



# **Mandatory Greenhouse Gas Reporting Rule: EPA's Response to Public Comments**

**Volume No.: 7**

**The Rule Development Process,  
Statutory and Executive Order  
Reviews, and Other Miscellaneous  
Comments**

September 2009

# **The Rule Development Process, Statutory and Executive Order Reviews, and Other Miscellaneous Comments**

**U. S. Environmental Protection Agency  
Office of Atmosphere Programs  
Climate Change Division  
Washington, D.C.**

## FOREWORD

This document provides EPA's responses to public comments on EPA's Proposed Mandatory Greenhouse Gas Reporting Rule. EPA published a Notice of Proposed Rulemaking in the Federal Register on April 10, 2009 (74 FR 16448). EPA received comments on this proposed rule via mail, e-mail, facsimile, and at two public hearings held in Washington, DC and Sacramento, California in April 2009. Copies of all comments submitted are available at the EPA Docket Center Public Reading Room. Comments letters and transcripts of the public hearings are also available electronically through <http://www.regulations.gov> by searching Docket ID *EPA-HQ-OAR-2008-0508*.

Due to the size and scope of this rulemaking, EPA prepared this document in multiple volumes, with each volume focusing on a different broad subject area of the rule. This volume of the document provides EPA's responses to significant public comments on the rule development process, statutory and executive order reviews, and other miscellaneous comments.

Each volume provides the verbatim text of comments extracted from the original letter or public hearing transcript. For each comment, the name and affiliation of the commenter, the document control number (DCN) assigned to the comment letter, and the number of the comment excerpt is provided. In some cases the same comment excerpt was submitted by two or more commenters either by submittal of a form letter prepared by an organization or by the commenter incorporating by reference the comments in another comment letter. Rather than repeat these comment excerpts for each commenter, EPA has listed the comment excerpt only once and provided a list of all the commenters who submitted the same form letter or otherwise incorporated the comments by reference in table(s) at the end of each volume (as appropriate).

EPA's responses to comments are generally provided immediately following each comment excerpt. However, in instances where several commenters raised similar or related issues, EPA has grouped these comments together and provided a single response after the first comment excerpt in the group and referenced this response in the other comment excerpts. In some cases, EPA provided responses to specific comments or groups of similar comments in the preamble to the final rulemaking. Rather than repeating those responses in this document, EPA has referenced the preamble.

While every effort was made to include significant comments related to the rule development process, statutory and executive order reviews, and other miscellaneous comments in this volume, some comments inevitably overlap multiple subject areas. For comments that overlapped two or more subject areas, EPA assigned the comment to a single subject category based on an assessment of the principle subject of the comment. For this reason, EPA encourages the public to read the other volumes of this document with subject areas that may be relevant to the rule development process, statutory and executive order reviews, and other miscellaneous comments.

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# 1. GENERAL RULE DEVELOPMENT PROCESS

## A. RULE DEVELOPMENT

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**Commenter Name:** See Table 4

**Commenter Affiliation:**

**Document Control Number:** EPA-HQ-OAR-2008-0508-0433.1

**Comment Excerpt Number:** 1

**Comment:** NPRA is aware that EPA is attempting to promulgate the final rule in the shortest possible timeframe in order to meet a statutory deadline. But this process should not be rushed in order to meet a deadline that will be breached no matter how quickly EPA finalizes this proposal. Because a GHG reporting program includes the entire domestic economy, being right is much more important than being quick.

**Response:** EPA does not agree that promulgation of the rule needs to be delayed to allow for additional comment and review, or as other commenters have suggested, delayed until Congress enacts new legislation. As discussed in Section I of the preamble and in Volume 9 (Legal Issues) of this document, the data submitted under this rulemaking will help inform future policies in the Administration and in Congress. The urgent need for this data is further evident from the fiscal year 2008 Appropriations Act, which wanted EPA to start collecting data in 2010. Although we do not yet know what final policy direction will be taken, the data collected under this rule can be used to support a number of possible policy options that would require accurate and reliable data. As policies evolve and new programs are developed, the provisions in the rule can be amended to address the new data collection needs. For more information on how the information will be used and the urgent need to collect the data, see Section I.D. of the preamble.

EPA has conducted extensive outreach and allowed for substantial public review and comment opportunities. During the development of the rule, we conducted a proactive communications outreach program to inform the public about the rule development effort. We solicited input and maintained an open door policy for those parties interested in discussing the rulemaking. Prior to proposal, EPA staff held more than 100 meetings with over 250 stakeholders, including trade associations and firms in potentially affected industries and sectors. Our reasons for developing the rule, costs of the program, and our rationale for the applicability criteria, monitoring methods, reporting requirements are provided in the preamble to the proposed rule (74 FR 16488, April 10, 2009), the Regulatory Impact Analysis (RIA), and in a series of technical support documents prepared for each of the affected source categories. These documents were made available to the public through the public docket for this rulemaking (EPA-HQ-OAR-2008-0508). We also held two public hearings (in Washington D.C. and Sacramento, CA), held a 60-day public comment period, and provided a hotline for interested parties to ask questions about the rule. In addition to the public hearings, EPA had an open door policy, similar to the outreach conducted during the development of the proposal. As a result, EPA has met with over 4,000 people and 150 groups since proposal signature (March 10, 2009). Details of these meetings are available in the docket. Therefore, EPA provided multiple mechanisms for interested parties to express their concerns, ask questions, and provide input on the rule. To further facilitate public understanding of the rule, EPA posted on its website source-specific factsheets and other information summarizing the requirements of the rule. Moreover, although there are numerous source categories included in this rule, not every stakeholder needs to review

every subpart. For example, the dairy industry would need to review only the general provisions (subpart A), stationary combustion source category (subpart C), and manure management (subpart JJ). Therefore, we have determined there is not a need for additional review time and it is appropriate to finalize the rule in September 2009.

In addition to the outreach described above, EPA also reviewed all of the significant comments submitted during the comment period and in some cases made revisions to the requirements for individual source categories. After reviewing the comments, we determined that most of the proposed source categories do not need further analysis and should be included in the final rule for reasons stated in Section IV.B of the preamble for the proposed rule (74 FR 16465, April 10, 2009) and the comment response documents for the individual source categories. However, EPA decided not to include subpart I (Electronics Manufacturing), subpart J (Ethanol Production), subpart L (Fluorinated Greenhouse Gas Production), subpart M (Food Processing), subpart T (Magnesium Production), subpart W (Oil and Natural Gas Systems), subpart DD (Sulfur Hexafluoride (SF<sub>6</sub>) from Electrical Equipment), subpart FF (Underground Coal Mines), subpart II (Wastewater Treatment), subpart KK (Suppliers of Coal) or with the reporting requirements for industrial landfills. As we consider next steps, we will be reviewing the public comments and other relevant information for these source categories.

During the implementation of the final rule, EPA intends to conduct an active outreach and technical assistance program to help facilities determine applicability and reporting requirements. Plain English guides to the rule and a Web-based applicability tool will be available to the public on your website. EPA also plans to conduct a number of webinars immediately following promulgation. These materials have been tailored to the various sectors and target small businesses and those industrial, commercial, and institutional sectors that are less familiar with air pollution regulation.

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**Commenter Name:** Greg Scott

**Commenter Affiliation:** National Petrochemical & Refiners Association

**Document Control Number:** EPA-HQ-OAR-2008-0508-0212w

**Comment Excerpt Number:** 1

**Comment:** With that in mind, this rulemaking process should not be rushed. The accounting system developed under the Acid Rain Program required several years and multiple iterations that eventually resulted in a streamlined and accurate recordkeeping program. Given that a GHG Reporting Rule is far more complicated than the acid rain rule, it is absolutely necessary that the EPA and covered stakeholders be afforded adequate time to get the program right the first time. Stakeholders need the time to fully review and assess the proposal in order to provide the agency with the most informed and concise comments that will result in an accurate reporting system at the lowest cost to the covered parties and to the economy. In other words, getting it right the first time is more important than getting it done quickly.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0433.1, excerpt 1.

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**Commenter Name:** W. Hugh O'Riordan

**Commenter Affiliation:** Givens Pursley LLP

**Document Control Number:** EPA-HQ-OAR-2008-0508-0413.1

**Comment Excerpt Number:** 7

**Comment:** Neither the rulemaking nor the available Technical Support Document appear to have been peer reviewed by independent scientific authorities as required by EPA's Peer Review Handbook and the Information Quality Act, 44 USC 3506 et seq. They are, therefore, inadequate as scientific documents. In essence, the proposed rule mandates guess work by electric utilities.

**Response:** We disagree that the TSD is inadequate. EPA has fully complied with the requirements of the Information Quality Act (IQA). The IQA is designed to "ensur[e] and maximize[e] the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies." Public Law 106-554; 44 U.S.C. 3516, note. Following guidelines issued by the Office of Management and Budget, EPA released its own guidelines to carry out the objectives of the IQA ([http://www.epa.gov/QUALITY/informationguidelines/documents/EPA\\_InfoQualityGuidelines.pdf](http://www.epa.gov/QUALITY/informationguidelines/documents/EPA_InfoQualityGuidelines.pdf)). EPA's Information Quality Guidelines (EPA IQG) provide a detailed administrative process to address any challenges to data quality issues in data disseminated by EPA. These guidelines would apply to information collected pursuant to this rule.

EPA has taken careful steps to ensure that the TSD is of the highest quality. EPA's Peer Review Handbook provides non-binding guidance to EPA staff and managers who are planning and conducting peer reviews; the Handbook does not require peer review of particular documents. The TSD and other supporting materials for this rule have been developed with the appropriate level of review and scientific rigor. The monitoring methods for each source category were prepared by EPA staff with specialized knowledge of the industry. These staff completed comprehensive reviews of existing GHG monitoring protocols and selected methods that would provide accurate emissions data without placing too great a burden on reporters.

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**Commenter Name:** Robert Naerebout

**Commenter Affiliation:** Idaho Dairymen's Association, Inc.

**Document Control Number:** EPA-HQ-OAR-2008-0508-0314.1

**Comment Excerpt Number:** 1

**Comment:** The proposed rulemaking violates EPA Administrator Lisa Jackson's April 23, 2009 "Transparency in EPA's Operations" directive. The directive states that EPA must act in a transparent and open manner, provide for the fullest possible public participation in decision making, and clearly explain the basis for its decisions. This rulemaking does not meet that standard for several reasons. First, the massive preamble and proposed rule is overly complex and excessively burdensome. Second, this massive document is supported by technical documents that are difficult to locate and difficult to fully understand. The technical basis for the formulas required to calculate methane and nitrous oxide emissions, as discussed in the Preamble and in various EPA "Technical Support" documents, is unclear. The EPA fails to explain how these mathematical formulas were developed, and the EPA itself acknowledges that these formulas are new, untested, and unreliable. Third, neither the rulemaking nor the available technical support documents appear to have been peer reviewed as required by EPA's Peer Review Handbook and therefore, they are inadequate as scientific documents. In essence, the proposed rule mandates guess work. The EPA rulemaking section on the agricultural sector in general and the dairy industry in particular is arbitrary and lacks transparency. The EPA memorandum "summary of outreach meetings on GHG reporting rule" summarizing EPA's outreach efforts from January 2008 through January 2009 establishes that the dairy industry was not consulted in the development of this proposed rule. Yet, the manure management reporting

regulations will have an enormous impact on the operations of dairies. This is a clear violation of the administration's transparency directive to provide for the fullest possible public participation.

**Response:** For the response to the comment on the development of the rule and EPA's outreach activities, see EPA-HQ-OAR-2008-0508-0433.1, excerpt 1 above.

Regarding the comment on peer review, the technical support documents and other documents supporting the proposal were available for public comment, as is the typical process for this type of rule. The monitoring methods for each source category were prepared by EPA staff with specialized knowledge of the industry. These staff completed comprehensive reviews of existing GHG monitoring protocols and selected methods that would provide accurate emissions data without placing too great a burden on reporters. Peer review is the process whereby Agency staff involves experts from outside their program in one or more aspects of the development of work products. As stated in *U.S. Environmental Protection Agency, Peer Review Handbook* (EPA/100/B06/002, Third Edition), regulations are not subject to peer review. However, any influential scientific information or assessment that is used to support the regulation may be subject to peer review. For this rulemaking, peer review is not necessary because the monitoring methods included in the rule are either based on information in scientific papers (articles) that have already undergone adequate peer review or on methods commonly accepted by industry or other reporting programs. For example, many of the monitoring methods included in this rule are based on IPCC guidelines that have been established by a recognized panel of experts and have undergone significant peer review prior to their adoption.

During the development of the rule, we met with a number of agricultural associations, including the National Cattlemen's Beef Association (NCBA), National Council of Farmer Cooperatives (NCFC), and American Farm Bureau Federation (AFBF). We also held a number of agricultural forums with agricultural trade associations and met with the Department of Agriculture. We reviewed and addressed comments on the rule submitted by WSDPTA, NCBA, Idaho Dairyman's Association, Colorado Livestock Association, and many other agricultural stakeholders. During the development of the rule, we reviewed many protocols and approaches prior to selecting the methodology for the manure management source category. The method we selected is based on EPA's Inventory of U.S. Greenhouse Gas Emissions and Sinks, as well as the Intergovernmental Panel on Climate Change (IPCC) Guidelines for National Greenhouse Gas Inventories. These methodologies rely on the use of activity data, such as the number of head of livestock, operational characteristics (e.g., physical and chemical characteristics of the manure, type of management system(s)), and climate data, to calculate greenhouse gas GHG emissions associated with traditional manure management systems. In addition, the selected methodology for the reporting rule uses measured values for those manure management systems (e.g., anaerobic digesters) that collect and combust biogas. For additional information on the methods selected for the manure management source category, including discussions of revisions made since proposal and responses to comments on the calculation methodology, see Section III of the preamble and the comment response document titled "Subpart JJ: Manure Management".

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**Commenter Name:** Chris Greissing

**Commenter Affiliation:** Industrial Minerals Association - North America (IMA-NA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0705.1

**Comment Excerpt Number:** 25

**Comment:** We would hope that EPA would be able to review all of the comments submitted and take them into consideration before moving forward with a final rule at the end of the month. As you can see from our comments, there are many fundamental errors in the proposal as they relate to the soda ash industry, including something as basic as the wrong chemical formula for trona being used. To that end, we would urge that the issuance of a final rule be delayed so that all of the comments received by EPA can be taken in to consideration.

**Response:** EPA has reviewed the public comments and has revised the final rule to correct for errors in the proposed rule. For a description of the changes and corrections made to the soda ash manufacturing requirements, see the preamble to the final rule and the volume of this comment response document titled "Subpart CC: Soda Ash Manufacturing".

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**Commenter Name:** Benjamin Brandes

**Commenter Affiliation:** National Mining Association (NMA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0466.1

**Comment Excerpt Number:** 1

**Comment:** NMA supports EPA's stated goal of promulgating reporting requirements that utilize existing GHG emission estimating and reporting methodologies in order to reduce the compliance burden on regulated entities. 74 Fed. Reg. 16,456. NMA is concerned, however, that EPA has ignored information that is already available, opting instead to propose reporting requirements that, in many cases, will impart unnecessary burdens on mining operations and other industries.

**Response:** To allow for further review of the monitoring methods, EPA has decided not to include underground coal mines and suppliers of coal subparts in the final rule. As we consider next steps, we will be reviewing the public comments and other relevant information. Thus, we are not responding to comments on these subparts at this time. For additional information on our monitoring approach for other source categories, see the preamble for the response on the general monitoring approach.

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**Commenter Name:** J. Southerland

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0165

**Comment Excerpt Number:** 5

**Comment:** With the volume of this proposal (well over 1500 pages in some published formats, less in others) in mind, it is impossible for any individual and organization to read, analyze, review and comment in a thorough and comprehensive manner in the allowed 60 days and accomplish other duties. Many parts of the proposal are very specialized to particular industries and technologies and since this proposal constitutes rule-making, the particular industries and relevant EPA experts and industry specialists, such as those in the Office of Air Quality Planning and Standards, the Department of Energy, and others in the public and private sectors should work together in a formal intergovernmental review process to assure that this important and far-reaching rule and process is adequately vetted as applies to each affected entity, including each category in Table 1.

**Response:** EPA agrees that soliciting input from experts in industry, State agencies, EPA and other federal agencies is important for rules that impact a diverse range of industrial sectors. The monitoring methods for each source category were developed and reviewed by EPA staff that have specialized knowledge of the industry, including those from the Office of Air Quality Planning and Standards and Department of Energy. For additional information on EPA's outreach activities, see the response to comment EPA-HQ-OAR-2008-0508-0433.1, excerpt 1.

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**Commenter Name:** W. Hugh O'Riordan

**Commenter Affiliation:** Givens Pursley LLP

**Document Control Number:** EPA-HQ-OAR-2008-0508-0413.1

**Comment Excerpt Number:** 5

**Comment:** The massive preamble and rule is overly complex and excessively burdensome. The supporting technical documents are difficult to locate and were developed in a non-public, non peer reviewed manner.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0433.1, excerpt 1.

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**Commenter Name:** See Table 2

**Commenter Affiliation:**

**Document Control Number:** EPA-HQ-OAR-2008-0508-0509.1

**Comment Excerpt Number:** 9

**Comment:** The Proposed Rule has exceedingly complex provisions governing applicability as well as emission estimation, monitoring, recordkeeping, and reporting. Those provisions at best are difficult to follow, contain numerous ambiguities, and in a number of cases appear to contradict themselves. EPA needs to do a thorough re-working of the Proposed Rule to simplify and clarify its requirements and to remove ambiguities and internal inconsistencies. EPA then should give the public, and especially those entities that would have to comply with these regulations, another opportunity to comment on the reporting scheme and the specific obligations they would face.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0433.1, excerpt 1.

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**Commenter Name:** Brad Bateman

**Commenter Affiliation:** Western States Dairy Producers Trade Association

**Document Control Number:** EPA-HQ-OAR-2008-0508-0365.1

**Comment Excerpt Number:** 2

**Comment:** The technical support documents utilized by EPA for the rulemaking appear to not have been peer reviewed as required by EPA's Peer Review Handbook and, therefore, are inadequate as scientific documents. In essence, the proposed rule mandates guess work by dairy farmers.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0413.1, excerpt 7 above.

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**Commenter Name:** Brad Bateman  
**Commenter Affiliation:** Western States Dairy Producers Trade Association  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0365.1  
**Comment Excerpt Number:** 3

**Comment:** The EPA memorandum summarizing its outreach efforts to develop the proposed rule from January 2008 through January 2009 shows that the dairy industry and WSDPTA, whose members produce 42.8% of all the milk in the United States, were not consulted in the development of this proposed rule. This is a significant oversight as the regulation governs manure management systems and will have a direct impact on the operations of WSDPTA member dairies. The failure to consult the dairy industry violates EPA Administrator, Lisa Jackson's April 23, 2009 directive to provide to the fullest possible public participation.

**Response:** See the response to the comment EPA-HQ-OAR-2008-0508-0433.1, excerpt 1 above. Although we have not met with the WSDPTA, we have met with a number of other agricultural associations, the National Cattlemen's Beef Association (NCBA), National Council of Farmer Cooperatives (NCFC), and American Farm Bureau Federation (AFBF). We also held a number of agricultural forums with agricultural trade associations and met with the Department of Agriculture. Finally, we have reviewed and addressed the comments on the rule submitted by WSDPTA, NCBA, Idaho Dairyman's Association, Colorado Livestock Association, and many other agricultural stakeholders. For the responses to the other comments submitted by WSDPTA, see the volume titled "Subpart JJ: Manure Management" and other relevant volumes of this document.

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**Commenter Name:** Steven M. Pirner  
**Commenter Affiliation:** South Dakota Department of Environment and Natural Resources (SD DENR)  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0576  
**Comment Excerpt Number:** 1

**Comment:** EPA provided some information on their webpage, but only plans on having two meetings scheduled nationwide on the Proposed Rule. SD DENR recommends EPA work with producer groups and others to schedule several web casts on the Proposed Rule during the public comment period and once the rule is final to inform as many businesses as they can about the requirements in the final rule.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0433.1, excerpt 1 above.

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**Commenter Name:** Dana Blume  
**Commenter Affiliation:** Port of Houston Authority (PHA)  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0607.1  
**Comment Excerpt Number:** 1

**Comment:** While the PHA does not have operations directly impacted by the rule as written, many of the Houston Ship Channel users and PHA tenants may be subject to the proposed rule or potential future rules. The PHA would like to be included in any future GHG proposed rule making stakeholder meetings. In addition, the PHA would encourage the EPA to include trade organizations such as the American Association of Port Authorities (AAPA), which represents

U.S. Ports on a variety of issues, including environmental concerns and initiatives of U.S. and Western Hemisphere ports, in future GHG rulemaking stakeholder meetings.

**Response:** EPA thanks the commenter for their recommendation and plans to include interested parties to the extent possible in future outreach efforts.

To further encourage and facilitate public participation in future policy decisions and rulemakings, EPA will provide public access to the data collected under this rule by posting it on our Web site. The data collected will be released as soon as possible after the March 31 reporting deadline. EPA believes this level of transparency is important to public participation in future policy development and for building public confidence in the quality of the data collected.

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**Commenter Name:** Lisa Beal

**Commenter Affiliation:** Interstate Natural Gas Association of America (INGAA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0171.1

**Comment Excerpt Number:** 3

**Comment:** If EPA elects not to grant a reasonable extension to the comment period, then INGAA requests additional public hearings in regional locations across the country. EPA often uses regional hearings as an instrument to engage the public in important rulemakings. Due to its breadth and standing as the foundation for EPA GHG regulations, the Proposed Rule is an ideal example of a rule that warrants public input and access. Multiple hearings would be consistent with the administration goal of transparency in federal actions.

**Response:** Although only two public hearings were held, EPA determined that additional public hearings were not necessary.

The data submitted under this rulemaking will help inform future policy development under the CAA. Because of the time sensitive nature of this rulemaking, it is imperative the rule be finalized as soon as possible to allow data collection to begin in 2010. In addition, the fiscal year 2008 Appropriations Act requires EPA to issue a final rule by June 26, 2009. Although we were not able to complete this rulemaking by that date, it further emphasizes the necessity of completing it in a timely manner. EPA recognizes that the notification of proposed rulemaking (NPRM), the associated Technical Support Documents, and the additional analysis contained in the docket may take considerable time to review. To that end, we posted the NPRM on March 10, 2009, the day it was signed by the Administrator. We also opened the docket and posted other resources such as the Regulatory Impact Analysis and source-specific information sheets on our website approximately two weeks before the NPRM appeared in the Federal Register to provide additional time for review. In addition, we provided numerous resources, including overview briefings and factsheets as well as shorter information sheets for nearly each subpart of the rule, on our Website (see <http://www.epa.gov/climatechange/emissions/ghgrulemaking.html>) in order to facilitate review of the proposed rule. For additional information on the development of the rule and EPA's outreach activities, see EPA-HQ-OAR-2008-0508-0433.1, excerpt 1 above.

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**Commenter Name:** W. Hugh O'Riordan

**Commenter Affiliation:** Givens Pursley LLP

**Document Control Number:** EPA-HQ-OAR-2008-0508-0413.1

**Comment Excerpt Number:** 4

**Comment:** The proposed rulemaking violates EPA Administrator Lisa Jackson's April 23, 2009 "Transparency in EPA's Operations" directive. The directive states that EPA must act in a transparent and open manner, provide for the fullest possible public participation in decision making, and clearly explain the basis for its decisions. This rulemaking does not meet that standard for several reasons.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0433.1, excerpt 1 above.

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**Commenter Name:** J. Jared Snyder

**Commenter Affiliation:** New York State Department of Environmental Conservation

**Document Control Number:** EPA-HQ-OAR-2008-0508-1184

**Comment Excerpt Number:** 5

**Comment:** EPA states that early in the development process, a proactive communications outreach program to inform the public about the rule development effort was conducted. EPA states that it solicited input and maintained an open door policy for those interested in discussing the rulemaking and that EPA staff held more than 100 meetings with over 250 stakeholders since January 2008. Notwithstanding EPA's statement that stakeholders included State, local, and Tribal environmental control agencies and regional air quality planning organizations, EPA did not consult with New York and many of the other states involved in GHG reporting programs prior to developing this proposed rule. By failing to work closely with the states, EPA's proposal does not take full advantage of the experience of the states to date.

**Response:** For additional information on EPA's outreach activities, see the response to comment EPA-HQ-OAR-2008-0508-0433.1, excerpt 1 above. Although we did not meet with the New York State Department of Environmental Conservation, we reviewed many existing State, Regional, Federal, and international GHG reporting programs during our initial development of the rule. Our review of these programs provided valuable information on a variety of factors important to the development of this rule, including the sectors covered, thresholds for reporting, approach to indirect emissions reporting, monitoring methods, and QA/QC procedures. EPA met with a number of State agencies (including Alaska, Connecticut, New Jersey, Illinois, Iowa, Massachusetts, Washington, New Mexico, Texas, and California) and a number of associations (including the National Association of Clean Air Agencies (NACAA), and Environmental Council of the States (ECOS), and Lake Michigan Air Directors Consortium (LADCO)). EPA has benefitted from the experience of States' that have already implemented reporting programs and recognizes the importance of these State programs both in leading the way in reporting of GHGs and in catalyzing important GHG reductions. EPA supports and recognizes the success and necessity of State programs as a vital component in achieving GHG emissions reductions, particularly those focused on energy efficiency improvements. EPA is also committed to working with States to coordinate implementation of reporting programs, reduce burden on reporters, provide timely access to verified emissions data, establish mechanisms to efficiently share data, and harmonize data systems to the extent possible. For the summary of our review of these programs, see Section II of the preamble to the proposed rule (74 FR 16488, April 10, 2009). For additional information on the role of states and the relationship of this rule to other reporting programs, see Section II.O. of the preamble. See Section VI.B of the preamble for a summary of comments and responses on State delegation of rule implementation and enforcement.

In addition to our many meetings with States and their associations, , we reviewed and addressed comments on the rule submitted by several States and Regional bodies, including those submitted by the New York Department of Environmental Conservation. The responses to the comments submitted by the New York Department of Environmental Conservation are included in other volumes of this document.

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**Commenter Name:** Not Given

**Commenter Affiliation:** Vectren Corporation

**Document Control Number:** EPA-HQ-OAR-2008-0508-0597

**Comment Excerpt Number:** 2

**Comment:** While acknowledging the great strides that have been made by individual states and through regional programs such as The Climate Registry (TCR), Vectren is concerned that these programs may not have been developed in a fully transparent fashion or with full public participation, and therefore should not be simply copied by EPA for use in the subject rulemaking. It would be inappropriate for EPA to adopt, in whole or in part, any portion of an existing state or regional program without subjecting the applicable provision to full notice and comment rulemaking procedures in accordance with Federal law.

**Response:** We reviewed many existing State, Regional, Federal, and international GHG reporting programs during our initial development of the rule. This review provided valuable input on a variety of factors important to the development of this rule, including the sectors covered, thresholds for reporting, approach to indirect emissions reporting, monitoring methods, and QA/QC procedures. However, EPA did not rely solely on existing programs for the development of this rule nor did we adopt any portion of existing programs without proper review. Instead we used the experience gained by existing mandatory and voluntary GHG reporting programs to inform our decisions on various aspects of rule. For each source category, EPA staff with specialized knowledge of the industry evaluated possible monitoring approaches and weighed the costs of the various monitoring options to ensure the burden placed on industry was small. These experts reviewed many different protocols, including those prepared by the UN Intergovernmental Panel on Climate Change (IPCC), the European Union's Emission Trading System, the California reporting rule, the Acid Rain Program, and The Climate Registry. We also collected information through meetings with industry experts. For additional information on the rule making process and EPA's outreach activities, see EPA-HQ-OAR-2008-0508-0433.1, excerpt 1 above. For additional information on our review of existing programs, see Section II of the preamble to the proposed rule (74 FR 16488, April 10, 2009).

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**Commenter Name:** Brad Bateman

**Commenter Affiliation:** Western States Dairy Producers Trade Association

**Document Control Number:** EPA-HQ-OAR-2008-0508-0365.1

**Comment Excerpt Number:** 1

**Comment:** The proposed rulemaking violates EPA Administrator Lisa Jackson's April 23, 2009 "Transparency in EPA's Operations" directive. This directive states that the EPA must act in a transparent and open manner, provide for the fullest possible public participation in decision making, and clearly explain the basis for its decisions. This rulemaking does not meet the standards established by the EPA administration for several reasons.

- (1) The massive preamble and rule is overly complex and will create excessively burdensome paperwork.
- (2) The supporting EPA technical documents are difficult to locate and were developed in a non-public manner. The technical basis for the formulas required to calculate methane and nitrous oxide emissions is unclear and not scientific. EPA fails to explain how these mathematical formulas were developed, and the EPA acknowledges that these formulas are new, untested, and unreliable. The entire emission threshold calculation procedure was not based on good science.

**Response:** For the response to the comment regarding public participation in and transparency of the rulemaking process, see the response to comment EPA-HQ-OAR-2008-0508-0433.1, excerpt 1 above. The selection of monitoring protocols for each source category are described in the preamble for the proposed rule 74 FR 16488, April 10, 2009) and in the technical support documents for each subpart. These documents are available through the public docket (EPA-HQ-OAR-2008-0508). Changes to the monitoring methods and other requirements are discussed in Section III of the preamble and in the appropriate volume of this comment response document.

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**Commenter Name:** Jack Gehring et al.

**Commenter Affiliation:** Caterpillar Inc.

**Document Control Number:** EPA-HQ-OAR-2008-0508-0499.1

**Comment Excerpt Number:** 18

**Comment:** Congress, acting through the legislative process, is in the best position to ensure that any GHG Registry and GHG Management (Cap & Trade) Protocol properly accounts for existing laws and regulations, and drives a consistent application of common reporting thresholds and emission standards. Separating this proposed Reporting Rule from pending legislation that will regulate economy-wide GHG emissions inevitably will lead to inconsistency, confusion, inefficiencies, higher costs, and decreased economic activity. For example, one major inconsistency is that the Reporting Rule proposes the use of a 25,000 tCO<sub>2</sub>e emission threshold to determine whether a facility is subject to GHG reporting requirements. However, pending legislation suggests that potential GHG limits or “caps,” or reporting obligations conceptually similar to those proposed by the Reporting Rule, apply to facilities that emit 10,000 tCO<sub>2</sub>e. This inconsistency alone would lead to much confusion, and must cause EPA to reconsider whether it should defer this matter to Congress for further clarification. At minimum, EPA should work with Congress to ensure that the “covered entity” threshold is clear, consistent, and does not differentiate between those entities subject to hard GHG emissions restrictions and those that are “merely” required to report GHG emissions. Alternatively, EPA should delay its rulemaking until Congress has finalized comprehensive U.S. GHG legislation. A small pause in the agency’s regulatory process would not adversely affect human health or the environment, or create disincentives for potentially covered entities to continue implementing energy efficiency measures and reducing GHG emissions. Rather, a prudent pause is more likely to ensure consistency among EPA’s proposals and pending Congressional legislation. Further, covered entities/sources would have additional time to review and comment on the huge range of legal and technical issues implicated by the proposed Reporting Rule.

**Response:** For information on EPA’s outreach activities, see the response to EPA-HQ-OAR-2008-0508-0433.1, excerpt 1 above.

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**Commenter Name:** See Table 6

**Commenter Affiliation:**

**Document Control Number:** EPA-HQ-OAR-2008-0508-0635

**Comment Excerpt Number:** 3

**Comment:** As EPA explains in the preamble, a high “level of transparency will inform the public and facilitate greater data verification and review.” EPA correctly recognizes that “[t]ransparency helps to ensure data quality and build public confidence in the data,” but unfortunately it does not state the preamble’s clear transparency principles in the rule’s text itself. It should do so to definitively resolve any future disputes over public access to emissions data and to make the rule’s commitment to transparency permanent and clear. A strong commitment to transparency is fundamental to the present Administration, to EPA, and to the Clean Air Act . As President Obama wrote on his second day in office: My Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government. Government should be transparent. Transparency promotes accountability and provides information for citizens about what their Government is doing. Information maintained by the Federal Government is a national asset. My Administration will take appropriate action, consistent with law and policy, to disclose information rapidly in forms that the public can readily find and use. Executive departments and agencies should harness new technologies to put information about their operations and decisions online and readily available to the public. Executive departments and agencies should also solicit public feedback to identify information of greatest use to the public. [footnote: Memorandum for the Heads of Executive Departments and Agencies (Jan. 23, 2009) (emphasis in original) (Ex. 1)]. EPA also embraces these principles. As Administrator Jackson wrote on her first day in office: EPA’s actions must be transparent. In 1983, EPA Administrator Ruckelshaus promised that EPA would operate “in a fishbowl” and “will attempt to communicate with everyone from the environmentalists to those we regulate, and we will do so as openly as possible.” I embrace this philosophy. Public trust in the Agency demands that we reach out to all stakeholders fairly and impartially, that we consider the views and data presented carefully and objectively, and that we fully disclose the information that forms the bases of our decisions.

**Response:** EPA agrees that transparency and public participation are important to any future rulemaking. For additional information on EPA’s plans for disseminating the data, see section V.A. of the preamble, Volume 11 (Designated Representative and Data Collection, Reporting, Management, and Dissemination) of this document). For an explanation of how EPA will handle confidential business information, see the preamble for the response to the comment on CBI and Volume 9 (Legal Issues) of this document.

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## **B. PUBLIC PARTICIPATION**

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**Commenter Name:** C. S. Ramirez

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0258

**Comment Excerpt Number:** 5

**Comment:** This rule is inordinately difficult to read and understand for me and similarly situated concerned citizens. While I understand that the rule is in itself technical and is meant to be followed by parties with significant expertise, there is no reason why an unfamiliar reader (that is, one with no or limited chemistry, biology, meteorology and physics training) should not be able to read and understand the proposed rule without the assistance of an engineer. Perhaps in the future, an executive summary in simple English would be appropriate.

**Response:** EPA has provided information on its website during the proposal stage and will continue to do so as the rule is finalized and implemented. To facilitate public review of this rulemaking, EPA posted on its website source-specific factsheets and informational sheets summarizing the requirements for the rule. EPA also set up a hotline for interested parties to call with any questions they had regarding the requirements of the rule. After promulgation, EPA plans to conduct an active outreach and technical assistance program to help facilities determine applicability and reporting requirements. Plain English guides to the rule and a Web-based applicability tool will be available to the public on your website. EPA also plans to conduct a number of webinars immediately following promulgation. These materials have been tailored to the various sectors and target small businesses and those industrial, commercial, and institutional sectors that are less familiar with air pollution regulation.

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**Commenter Name:** J. Spirito

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0238.1

**Comment Excerpt Number:** 1

**Comment:** A first concern which does not speak to the content of the Proposed Rule is the writing and the wording of the Proposed Rule. I am a law school student, who is well versed in administrative and environmental law, and yet this proposed rule was still a baffling mess at several hundred pages and charts to read. Global warming is an issue which impacts all Americans, and while I recognize that this regulation would primarily impact the producers of emissions, who are typically industry or other business entities with the legal and technical knowledge to understand such text, the EPA must do a better job of making such vitally important material accessible and understandable to the general public who also has a stake in the climate change.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0258, excerpt 5.

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**Commenter Name:** Kusai Merchant

**Commenter Affiliation:** Environmental Defense Fund

**Document Control Number:** EPA-HQ-OAR-2008-0508-0212.1h

**Comment Excerpt Number:** 11

**Comment:** Finally, this is a conversation that should be had in the open and in the spotlight. As Supreme Court Justice Louis Brandeis attested, the accountability benefits of transparency are best -- accountability benefits are tremendous and that still is said to be the best of disinfectants. Americans are in the dark about who the big emitters of pollution are, global warming pollution are, and where they are located. Shining light on greenhouse gas emissions is essential to an informed conversation in America about pollution sources and its solutions. In our

neighborhoods and communities from coast to coast, we all have a stake in an American conversation carried out in the bright sunlight.

**Response:** EPA thanks the Environmental Defense Fund for their input. For additional information about our outreach activities, see the response to comment EPA-HQ-OAR-2008-0508-0635, excerpt 3 above.

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**Commenter Name:** Blake Jeffery

**Commenter Affiliation:** Indiana Cast Metals Association

**Document Control Number:** EPA-HQ-OAR-2008-0508-0321.1

**Comment Excerpt Number:** 1

**Comment:** INCMA believes that holding only two public hearings on such a critical rule limits the opportunity of impacted individuals to adequately express their views directly to EPA. Further, hosting those two hearings Washington DC and Sacramento, CA seems to purposely exclude vast areas of the country which will be significantly more impacted by the proposed rule. Given the concentration of manufacturing in various states and regions in the United States, EPA should have easily been able to identify additional locations and deemed it vital to hold hearings in those areas.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0171.1, excerpt 3 above.

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**Commenter Name:** Mary Uhl

**Commenter Affiliation:** New Mexico Environment Department

**Document Control Number:** EPA-HQ-OAR-2008-0508-0450.1

**Comment Excerpt Number:** 4

**Comment:** New Mexico commends EPA for holding workshops and public hearings regarding the mandatory reporting rule. Due the importance of the oil and gas sectors in this state, we request that EPA consider holding hearings in New Mexico regarding these sectors.

**Response:** EPA thanks the New Mexico Environment Department for their input. For additional information on the development of the rule and EPA's outreach activities, see EPA-HQ-OAR-2008-0508-0433.1, excerpt 1 above. At this time, EPA is not going final with subpart W (Oil and Natural Gas Systems). As we consider next steps, we will be reviewing the public comments and other relevant information for this sector and will take into account New Mexico's request for a specific public hearing on this sector to be held the state.

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**Commenter Name:** Roy Prescott and John Duffy

**Commenter Affiliation:** Local Government Advisory Committee (LGAC) and Climate Change

**Document Control Number:** EPA-HQ-OAR-2008-0508-2079

**Comment Excerpt Number:** 1

**Comment:** Stakeholder Involvement- The LGAC recommends EPA conduct a series of listening sessions to specifically address state, local governments, small communities, and tribal governments to fully gather the concerns and develop a mutually beneficial path forward in this proposed rule making. The LGAC has surveyed many local governments and have found they

are generally unaware of this proposed rule-making and the potential requirements and timeframe for reporting. The proposed rule contains many areas of concern for local governments, such as: including the requirement to report wastewater treatment plants (other than POTWs), centralizing fuel combustion sources, and exporting reporting requirements.

**Response:** EPA agrees that stakeholder participation is important for any rulemaking. For this reason, EPA met with LGAC on March 23, 2009 to discuss their concerns regarding the rule. For additional information on the development of the rule and EPA's outreach activities, see EPA-HQ-OAR-2008-0508-0433.1, excerpt 1 above. For additional information regarding reporting by fuel suppliers and facilities with stationary fuel combustion units, see Section III of the preamble and the relevant volumes of this document.

EPA is not going final with subpart II (Wastewater Treatment). As we consider next steps, we will be reviewing the public comments and other relevant information. Therefore, we are not responding to comments on these subparts at this time.

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**Commenter Name:** Roy Prescott and John Duffy

**Commenter Affiliation:** Local Government Advisory Committee (LGAC) and Climate Change

**Document Control Number:** EPA-HQ-OAR-2008-0508-2079

**Comment Excerpt Number:** 7

**Comment:** Involve the LGAC in the rulemaking process - The LGAC has members from a wide variety of local governments from across the United States that are available to assist EPA. For future rulemakings, LGAC would welcome the opportunity to actively participate in stakeholder meetings regarding impacts to local governments which includes municipalities, counties, ports, airports, waste management agencies, and river authorities.

**Response:** EPA thanks the commenter for their input on this rulemaking. We agree with the commenter that stakeholder participation in the rulemaking process is extremely important. We met with LGAC on March 23, 2009 and encourage LGAC to continue to assist us in outreach efforts for this rule, as well as in the development of any future GHG rulemaking.

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**Commenter Name:** Roy Prescott and John Duffy

**Commenter Affiliation:** Local Government Advisory Committee (LGAC) and Climate Change

**Document Control Number:** EPA-HQ-OAR-2008-0508-2079

**Comment Excerpt Number:** 8

**Comment:** Stakeholder Outreach to Identify Reporting Issues (16457): The EPA proposed rule indicated that more than 100 stakeholder meetings have been held since March, 2009. Many of the stakeholders EPA engaged in these dialogues are outside of city operations and would generally not reflect the sources of GHG from local governments which may be impacted by this rule. (ICLEI may work well with some local governments, particularly on the West Coast, the Cities of Boston and New York, which are conducting very high level voluntary GHG emission inventories, which may not necessarily cover sources of GHG emissions as contemplated in this rule, particularly centralized fuel combustion sources). It is also important to note that neither local air quality program directors nor ICLEI would be able to represent the interest or concerns of small or disadvantaged communities.

**Response:** For the response to the comment on the development of the rule and EPA's outreach activities, see EPA-HQ-OAR-2008-0508-0433.1, excerpt 1 above.

EPA met with both LGAC and with ICLEI to discuss their concerns regarding the rule. We also reviewed and addressed the written comments submitted by LGAC on June 24, 2009.

During the development of the rule, we evaluated the economic impact of this rule to ensure the rule does not place too great a burden on small governments. The results of our analysis showed that the annualized reporting program costs were less than 1 percent of revenue. The estimated costs are small enough that no small government is estimated to incur significant impacts. More information on the economic impacts of the rule can be found in the regulatory impact analysis (RIA), Section VII of the preamble, and the volume of this comment response document titled "Cost and Economic Impacts."

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**Commenter Name:** Anonymous

**Commenter Affiliation:** Drexel University Earle Mack College of Law

**Document Control Number:** EPA-HQ-OAR-2008-0508-0237.1

**Comment Excerpt Number:** 4

**Comment:** The APA § 553 (c) ("553") requires that agencies give "interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation." The agency has done an excellent job providing access to the underlying information and date depended on the create this NPR. Because of this, the public has a meaningful opportunity to comment on the NPR. Notice improves the quality of agency rulemaking by insuring that the agency regulations will be tested by exposure to diverse public comment. The notice-and-comment procedure assures that the public and the persons being regulated are given an opportunity to participate, provide information and suggest alternatives. It thus gives interested parties an opportunity to participate in the rulemaking through the submission of data, views, and arguments. Notice also ensures fairness to affected parties and provides a well-developed record that enhances the quality of judicial review.

**Response:** EPA thanks the commenter for their input.

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## **C. REQUESTS FOR EXTENSION OF COMMENT PERIOD**

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**Commenter Name:** Karen St. John

**Commenter Affiliation:** BP America

**Document Control Number:** EPA-HQ-OAR-2008-0508-0211.1

**Comment Excerpt Number:** 1

**Comment:** On behalf of BP America, we are writing to support the American Petroleum Institute's (API) request for a 30-day extension of the comment period on the proposed GHG reporting rule. EPA's proposed rule will apply to and affect most of BP's US businesses including our significant exploration & production and refining & marketing operations. The scope of the rule will include our direct operations along with the products we supply and market. Given the comprehensiveness of the proposed rule combined with the detailed and

explicit monitoring and reporting protocols, there is much to digest, comprehend and comment upon. BP aims to work constructively with the Agency on the rule and through our trade associations, and we share the goal of getting the GHG reporting rule right from the onset. It is in that spirit that additional time to analyze the impacts of the rule and develop formal comments will provide value added.

**Response:** As EPA explained in the letter signed by Acting Assistant Administrator, Elizabeth Craig signed on April 24, 2009, EPA did not extend the formal comment period past the June 9, 2009 deadline because of the time sensitive nature of this rulemaking and the urgent need to finalize the rule as soon as possible to allow data collection to begin in 2010. The data submitted under this rulemaking will help inform future policies in the Administration and in Congress so it is imperative to allow for enough time to finalize the rule before the end of 2009. In addition, the fiscal year 2008 Appropriations Act requires EPA to issue a final rule by June 26, 2009. Although we were not able to complete this rulemaking by that date, it further emphasizes the necessity of completing it in a timely manner. EPA recognizes that the notification of proposed rulemaking (NPRM), the associated Technical Support Documents, and the additional analysis contained in the docket may take considerable time to review. To that end, we posted the NPRM on March 10, 2009, the day it was signed by the Administrator. We also opened the docket and posted other resources such as the Regulatory Impact Analysis and source-specific information sheets on our website approximately two weeks before the NPRM appeared in the Federal Register to provide additional time for review. In addition, we provided numerous resources, including overview briefings and factsheets as well as shorter information sheets for nearly each subpart of the rule, on our Website (see <http://www.epa.gov/climatechange/emissions/ghgrulemaking.html>) in order to facilitate review of the proposed rule. For additional information on the development of the rule and EPA's outreach activities, see EPA-HQ-OAR-2008-0508-0433.1, excerpt 1 above. For further information regarding our decision to not extend the public comment period, see Volume 9 (Legal Issues) of this document.

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**Commenter Name:** Robert E. Murray

**Commenter Affiliation:** Murray Energy Corporation

**Document Control Number:** EPA-HQ-OAR-2008-0508-1577

**Comment Excerpt Number:** 2

**Comment:** Due to the severity of our concerns, we recommend having an extended comment period or a second draft Rule to ensure that this promulgation is done fairly for all parties, and more importantly, administered in a cohesive fashion that will prevent groups from using inaccurate information to develop bad policy.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** Sally V. Allen

**Commenter Affiliation:** Gary-Williams Energy Corporation

**Document Control Number:** EPA-HQ-OAR-2008-0508-0982.1

**Comment Excerpt Number:** 1

**Comment:** We request that the comment period be extended for 60 days. The proposed rule is detailed, comprehensive and complex. Without additional time, we can now comment on only a few provisions of immediate concern to us.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** William C. Herz

**Commenter Affiliation:** Vice President, Scientific Programs, The Fertilizer Institute (TFI)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0163.1

**Comment Excerpt Number:** 1

**Comment:** The Fertilizer Institute (TFI), on behalf of its member companies, respectfully requests an extension of an additional 30 days (90 days total) to respond to the U.S. Environmental Protection Agency's (EPA) request for comments in its notice of proposed rulemaking for mandatory reporting of greenhouse gas emissions. 74 Fed. Reg. 16,448 (April 10, 2009) (NPRM). Many TFI members are subject to the Clean Air Act and its regulations, and therefore could fall within the scope of those facilities proposed to be subject to reporting under the NPRM. Indeed, the NPRM expressly seeks to regulate producers of fertilizers or fertilizer materials, such as phosphoric acid, nitric acid, and ammonia, and proposes specific requirements for reporting the nitrogen content of fertilizers (not just greenhouse gas emissions) which would particularly impact TFI members. The NPRM thus has particular importance and impacts to the fertilizer industry. Given the important implications of the NPRM for TFI members and its sheer scope (285 pages of preamble language proposed rules), as well as its reliance on extensive and highly technical background documents, TFI will require at least 90 days to provide substantive comments, which will assist EPA in appropriately considering the interests of, and potential impacts to, TFI members related to the substance of the NPRM.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** Bryan L. Brendle

**Commenter Affiliation:** National Association of Manufacturers (NAM)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0218.1

**Comment Excerpt Number:** 1

**Comment:** The following organizations ("the Associations") join in urging EPA to extend, by 60 days, the comment period on EPA's Proposed Rule on Mandatory Reporting of Greenhouse Gases (GHGs), 74 Fed. Reg. 16448 (April 10, 2009): American Chemistry Council American Coke and Coal Chemicals Institute American Farm Bureau Federation American Forest & Paper Association American Iron and Steel Institute American Petroleum Institute American Public Power Association Canadian Business Cross-Border Climate Advisory Group Corn Refiners Association CropLife America Edison Electric Institute Institute for 21st Century Energy National Association of Manufacturers National Automobile Dealers Association National Oilseed Processors Association National Petrochemical and Refiners Association Rubber Manufacturers Association Society of Chemical Manufacturers and Affiliates We respectfully believe that the 60 days that EPA has allocated for public comments is plainly inadequate for a rule of this magnitude and complexity and must be extended. The Proposed Rule raises significant legal, policy, and economic issues for all sectors of industry as a whole, as well as very specific, technical, and complex questions for each individual sector that could have

ramifications for decades. An extension of the comment period is critically needed so that potentially regulated parties have a sufficient and fair opportunity to evaluate EPA's broad and complex proposal, to analyze the large number of issues on which the Agency has sought comment, and to make constructive recommendations. The Proposed Rule is accompanied by a detailed preamble, a 260-page regulatory impact analysis, and more than 2,000 pages of technical support documents. The Associations and their members need sufficient time to evaluate the information provided by EPA and to determine how the Proposed Rule might impact their businesses. Given that most of the reporting requirements are at the facility level, and that the reporting thresholds and methodologies vary by source category, it will require substantial time for these companies to review their operations and determine how their facilities might be impacted by the proposed rulemaking prior to being able to provide constructive stakeholder comments to EPA. Moreover, EPA has requested specific comments on many subjects. The Associations appreciate the opportunity to provide their views on the general and specific issues raised by EPA, but given the sheer number of topics on which the Agency has requested comment and the complexity of the subject matters, the 60-day comment simply does not provide enough time. We understand that EPA may have established the short comment period of 60 days in response to deadlines under the Fiscal Year 2008 Consolidated Appropriations Act. That Act, which was signed into law on December 26, 2007, directed EPA to propose a rule by September 2008, and to finalize a rule nine months later. The publication of the proposed rule, however, was delayed six months past the specified deadline. This delay, due to no fault of industry, should not prejudice industry's ability to fully analyze, respond to, and prepare for this rule. EPA should not force industry to shoulder the consequences of delays for which it was not responsible, imposing shortened comment deadlines to make up for earlier missed deadlines. Instead, EPA should grant stakeholders the additional time they need to analyze and comment on the proposed rule, and to postpone implementation given the delays in the schedule to date. EPA's Proposed Rule arrives at a time when many companies in the United States are fighting for economic survival in the face of an economic crisis of generational proportions. Resources are scarce and budgets are stretched. At the same time that EPA is seeking comments on the Proposed Rule, the Agency is engaged in related administrative proceedings that demand significant attention from the same Associations and companies, including the recent proposed endangerment finding for GHGs, issuance of the GHG inventory, reconsideration of the interpretive memorandum of December 18, 2008, on GHGs and prevention of significant deterioration, and reconsideration of California's waiver request for GHGs. Given the interplay among many of these initiatives and the cumulative demands that they impose, we respectfully request EPA provide an adequate period of time for commenters to address all of the issues involved.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** Steven Carpenter

**Commenter Affiliation:** Marshall Miller & Associates, Inc.

**Document Control Number:** EPA-HQ-OAR-2008-0508-0212d

**Comment Excerpt Number:** 1

**Comment:** The Proposed Rule and supporting technical and regulatory documents comprise thousands of pages of text. It is very unlikely that a thorough understanding in financial, operational, and regulatory impact of this Proposed Rule could be digested and appropriately understood by the close of the public comment period anticipated in June 10th. We respectfully

ask that additional time be granted to allow industry to fully and adequately understand and comment on the impacts this rule will have.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** Renae Schmidt

**Commenter Affiliation:** CITGO

**Document Control Number:** EPA-HQ-OAR-2008-0508-0229.1

**Comment Excerpt Number:** 1

**Comment:** CITGO believes that a 60 day comment period does not allow stake holders adequate time to evaluate the rule in its totality. This complex rule requires review of numerous emissions calculation formulas, analysis of an extensive set of definitions, investigation of availability of laboratory services to run required tests, development of and analysis of all cost estimates, including evaluation of timing and cost for monitoring and metering systems. CITGO is requesting an extension of the comment period to a full 180 days, until October 9, 2009, in order to develop comments that will be truly helpful to the Agency as it proceeds with finalizing this rule.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** Karin Ritter

**Commenter Affiliation:** API

**Document Control Number:** EPA-HQ-OAR-2008-0508-0204.1

**Comment Excerpt Number:** 1

**Comment:** Framing a comprehensive reporting rule is a complex undertaking that will require equally comprehensive input from a variety of interested parties, including regulated entities, state and federal regulators and scientists. The EPA has an opportunity to create a useful resource by allowing all interested parties sufficient time to analyze the specifics of the EPA's extensive proposal. Therefore, API is respectfully requesting an additional 30 days (a total of 90 days), which will provide us with the opportunity to take a measured approach to our comment development, including a sufficient review of an extremely complex proposal, for a more comprehensive submission to the Agency.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** Mark Sutton

**Commenter Affiliation:** Gas Processors Association (GPA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0283

**Comment Excerpt Number:** 1

**Comment:** We understand that under the Omnibus Appropriation Bill (HR 2764), December 2007, the Environmental Protection Agency (EPA) was charged with proposing and promulgating a rule to require mandatory reporting of GHG emissions above appropriate thresholds in all sectors of the U.S. economy and to have completed the proposed rulemaking by September 2008 and a final rulemaking by June 2009. As EPA is aware of the importance of

basing the rule on both sound science and a transparent process, EPA may need to allow additional time for comments due to the late release of the proposed rule. GPA strongly believes that a 60 day comment period is inadequate for this important rulemaking and adopts and supports the comments previously submitted by other stakeholders such as the American Petroleum Institute in asking for a 30 day extension (90 days total) . GPA looks forward to working with EPA as the rulemaking process moves forward and appreciates the opportunity to provide input on the issues contained in the April 10, 2009 notice of proposed rulemaking (74 FR 16448).

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** Anonymous

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0319

**Comment Excerpt Number:** 1

**Comment:** Please extend the public comment period. I work for a small refinery, and have been struggling with reading and understanding the 120 pages of proposed rule and 150+ pages of preamble. In order to comment, I have to determine how it would impact our operations, and what we would have to do to comply with the proposed rule if finalized. Only then can I estimate how much it would cost to comply and how long it would take to develop and implement reporting programs, purchase equipment, train operators, modify software, etc. Without all this work, I cannot prepare detailed comments on how the rule will impact our operations and how it could be modified to provide reasonably accurate information at a more reasonable cost. I haven't had any opportunity to review the supporting docket information and other references mentioned in the preamble. The proposed changes to the Renewable Fuels Standard program were published during the comment period, which adds to the burden. Regardless of one's opinion/view on Greenhouse Gases and Global Climate Change, no one is arguing that Greenhouse Gases present acute or imminent threats to human health of neighbors and/or others down gradient of GHG emitters. Therefore, allowing more time to review and comment on the rule is justified. In addition, the preamble indicates that USEPA is already calculating GHG emissions of the various segments of the U.S. economy on an annual basis. For all these reasons and more, please extend the comment period!

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** Jerry Call

**Commenter Affiliation:** American Foundry Society (AFS)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0356.2

**Comment Excerpt Number:** 1

**Comment:** The FY2008 Consolidated Appropriations Act, P.L. 110-161, 121 Stat 1844 (2008), signed by President Bush on December 26, 2007 required the Environmental Protection Agency (EPA) to propose and promulgate a rule to require mandatory reporting of GHG emissions by September 2008 and June 2009, respectively. Due in part to the comprehensive nature of the proposed regulation, EPA did not publish the proposed regulation until April 10, 2009. Accordingly, consistent with the mandate from Congress, EPA should issue the final regulation nine months from the proposed rule in January 2010. Given the magnitude of the proposed rule

and the potential impact on regulated industries, EPA needs to allow the public adequate time to review the proposed regulation and prepare comments. The 60-day comment period provided for this novel and comprehensive proposed rule did not allow sufficient time for effective evaluation. EPA should allow for additional time for the public to submit supplemental comments on the proposed rule.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** Paul R. Pike

**Commenter Affiliation:** Ameren Corporation

**Document Control Number:** EPA-HQ-OAR-2008-0508-0487.1

**Comment Excerpt Number:** 1

**Comment:** Ameren appreciates the opportunity to comment on this rulemaking proposal. However, the 60-day comment period was insufficient to allow for a complete review and development of comments on a number of issues upon which EPA seeks comment. We did not directly seek an extension, but hoped that the Agency would allow one due to the important nature of the proposal. Therefore, EPA should not consider a failure to comment on a particular part of the rule, or to respond to a specific request for comment, as support for the proposed rule or approach, and our comments will also be limited to the subparts directly affecting Ameren.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** See Table 5

**Commenter Affiliation:**

**Document Control Number:** EPA-HQ-OAR-2008-0508-0412.1

**Comment Excerpt Number:** 1

**Comment:** In recognition of the unparalleled breadth of the proposal, GPA supports EPA's decision to have a serious, comprehensive, and deliberative dialogue with the regulated community regarding the proposed rule's purpose, methods, and timeline. Anything less would be inadequate and may not result in sound policy based upon reasoned decision-making. In order to ensure that the proposed regulation is adequately vetted and meets the intended goals, GPA reiterates its request, as stated in its April 28, 2009 letter to EPA, to extend the public notice and comment period by an additional thirty days at a minimum, so that the affected sources may have adequate time to review the proposal, consider its implications, and engage in further dialogue with EPA as appropriate. The scope and specificity of the comments that follow are clear indicators that the rule's complexity and novelty require extended review. As EPA knows, the validity of an inventory rests not merely in its scope, but also in the quality of the information inventoried. It disserves the purpose of the inventory to risk inadequate vetting of the rule's many requirements for gathering and reporting information that will ultimately define the inventory's validity.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** William C. Herz

**Commenter Affiliation:** Vice President, Scientific Programs, The Fertilizer Institute (TFI)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0163

**Comment Excerpt Number:** 1

**Comment:** Please find attached The Fertilizer Institute's request for extension regarding EPA's recently issued Mandatory Greenhouse Gas Reporting Rule.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** Joseph A. D'Amico

**Commenter Affiliation:** Foundation Coal Corporation

**Document Control Number:** EPA-HQ-OAR-2008-0508-0421.1

**Comment Excerpt Number:** 7

**Comment:** We believe that other interested parties were justified in requesting an extension of time for which to file a comment to the proposed Rule, as the comment period is insufficient to allow for comprehensive review and EPA interpretation of many aspects of this proposal.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** James S. Loving

**Commenter Affiliation:** National Cooperative Refinery Association (NCRA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0609.1

**Comment Excerpt Number:** 1

**Comment:** Request a 60-day extension of comment deadline.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** Matt Smorch

**Commenter Affiliation:** Countrymark Cooperative, LLP

**Document Control Number:** EPA-HQ-OAR-2008-0508-1081.1

**Comment Excerpt Number:** 1

**Comment:** Countrymark requests that EPA extend the comment period on the proposed regulations for at least an additional sixty (60) days if not longer since the proposed regulations are so complex and involved that additional time is necessary to make a complete review and determine the impact of the regulations.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** Gary F. Lindgren

**Commenter Affiliation:** Calumet Specialty Products Partner, L.P.

**Document Control Number:** EPA-HQ-OAR-2008-0508-0626.1

**Comment Excerpt Number:** 1

**Comment:** EPA needs to extend the public comment period in order to give the regulated community adequate time to study and determine the resources needed for implementation, if finalized, and to propose alternative, less costly means of achieving the stated goal. 1. This is a complex rulemaking, extending across the economy 2. Preliminary review indicates that the costs of implementation are significantly greater than EPA projections 3. Greenhouse gases do not pose acute hazards to human health, and do not justify artificially tight timeframes for regulation 4. EPA is already calculating GHG emissions for various sectors of the economy 5. The public comment period for this proposed rule overlaps with the public comment period for another 200+ page proposed rulemaking, specifically, the Renewable Fuel Standard published in the May 26, 2009 Federal Register.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1. EPA decided to extend the public comment period for the Renewable Fuel Standard by an additional 60 days until September 25, 2009 (see 74 FR 32091 for the notice extending the public comment period).

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**Commenter Name:** Paul Glader

**Commenter Affiliation:** Hecla Mining Company

**Document Control Number:** EPA-HQ-OAR-2008-0508-0579.1

**Comment Excerpt Number:** 4

**Comment:** Additionally, extensions of the comment period were requested by some industries, and those requests were denied by EPA. The period for public review and comment on this extensive document has been insufficient.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** Benjamin Brandes

**Commenter Affiliation:** National Mining Association (NMA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0466.1

**Comment Excerpt Number:** 5

**Comment:** Additionally, although NMA did not request an extension of the comment period for this proposal, NMA believes that other interested parties were justified in requesting an extension and believes that the comment period is insufficient to allow comprehensive comment on many aspects of this proposal. NMA and its associated members did not have sufficient time to develop comment on many aspects of the proposed reporting rule, and EPA should not construe failure to comment on any given aspect of the proposal as support for a particular approach or program.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** Jack Gehring et al.

**Commenter Affiliation:** Caterpillar Inc.

**Document Control Number:** EPA-HQ-OAR-2008-0508-0499.1

**Comment Excerpt Number:** 19

**Comment:** Caterpillar respectfully requests that EPA extend, by at least 60 days, its public comment period on this Reporting Rule. EPA may have established the short comment period of 60 days in response to deadlines under the fiscal year 2008 Consolidated Appropriations Act. The Act was signed into law on December 26, 2007, and directed EPA to propose a rule by September 2008, and to finalize a rule nine months later. Publication of the proposed rule, however, was delayed six months past the specified deadline. This delay, due to no fault of industry, should not prejudice Caterpillar's ability to fully analyze and respond to the GHG Reporting Rule. A rule of this magnitude and complexity, that expands EPA's authority over virtually every economic activity in the nation, and is supposed to harmonize with international schemes, deserves more than the agency's standard comment period. EPA should grant stakeholders the additional time they need (no less than an additional 60 days) to analyze and comment on the Reporting Rule, and should postpone implementation for the reasons stated in these comments, the agency's delays in proposing the rule, and the various and significant inconsistencies with provisions set forth in pending Congressional legislation on this exact subject matter. In the alternative, Caterpillar respectfully requests that EPA pause the regulatory march of this rule, and allow Congress to do its job, finalize pending GHG legislation, and provide a proper legislative framework within which EPA can develop well-ordered regulations.

**Response:** EPA did not extend the public comment period for this rule. For EPA's reasons for not extending the comment period, see the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1. For the response to the comment on delaying promulgation of the rule, see the response to EPA-HQ-OAR-2008-0508-0433.1, excerpt 1 above and Volume 9 (Legal Issues) of this document.

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**Commenter Name:** Lisa Beal

**Commenter Affiliation:** Interstate Natural Gas Association of America (INGAA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0171.1

**Comment Excerpt Number:** 1

**Comment:** The Interstate Natural Gas Association of America (INGAA), a trade association of the interstate natural gas pipeline industry, respectfully requests a 90-day extension to the public comment period for the Proposed Rule, Mandatory Reporting of Greenhouse Gases (Proposed Rule) dated April 10, 2009 (74 FR 16448). This request would extend the deadline for comments from June 9, 2009 to September 7, 2009. The Proposed Rule addresses greenhouse gas (GHG) stationary source requirements in Title 40, Part 98 of the Code of Federal Regulations (40 CFR 98). INGAA members operate interstate natural gas transmission facilities, and many of the compressor stations would be affected by the Proposed Rule, including requirements in 40 CFR 98, Subpart C and Subpart W. As the initial federal rulemaking on GHGs, the Proposed Rule establishes an important foundation for U.S. GHG actions. INGAA believes that the proposed 60 day comment deadline is wholly inadequate to assess implications, review thousands of pages of rule content and background documentation, and develop comments substantiated with technical data. If a 90 day extension cannot be accommodated, a minimum of at least an additional 60 days extension is necessary (i.e., 120 days total for comment). The additional comment period is also warranted due to significant additional EPA proposals that stakeholders must address in the same timeframe. For INGAA members, proposed revisions to the RICE NESHAP (40 CFR Part 63, Subpart ZZZZ) affects the same stakeholders, and failure to grant an extension will undermine the ability to provide constructive comments and respond effectively to either rule proposal.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1. At this time, EPA is not going final with subpart W (Oil and Natural Gas Systems). As we consider next steps, we will be reviewing the public comments and other relevant information.

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**Commenter Name:** Kathy G. Beckett  
**Commenter Affiliation:** West Virginia Chamber of Commerce  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0956.1  
**Comment Excerpt Number:** 1

**Comment:** The Chamber has a concern that the comment period provided is insufficient to allow for meaningful comment on a number of issues upon which EPA seeks comment. Although the Chamber did not request an extension of time for comment, it is apparent that other parties were justified in requesting an extension.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** Lauren E. Freeman  
**Commenter Affiliation:** Hunton & Williams LLP  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0493.1  
**Comment Excerpt Number:** 1

**Comment:** UARG appreciates the opportunity to comment on this rulemaking proposal. However, UARG does not believe that the comment period was sufficient to allow for meaningful comment on a number of issues upon which EPA seeks comment.[Footnote: UARG did not itself request extension of the comment period, but several other organizations did and UARG is disappointed that the Agency denied the requests. See, e.g., EPA-HQ-OAR-2008-0508-0224.] As a result, UARG's comments are of a limited nature and EPA should not construe UARG's silence in these comments on a particular part of the rule, or in response to a specific request for comment, as support for the proposed rule or approach. In many cases, UARG simply did not have sufficient time or information to develop comments.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** Angela Burckhalter  
**Commenter Affiliation:** Oklahoma Independent Petroleum Association (OIPA)  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0386.1  
**Comment Excerpt Number:** 4

**Comment:** The proposed rule is very complex and far reaching and will be used to gather data that will be provided to policymakers to determine future climate change policies and regulations for GHG emissions. Though we understand EPA is under a timeline specified in the Appropriations Act, this is an important issue. Impacted entities have not been provided appropriate time to review and provide comments on this proposed rule. It should be noted that this proposed rule overlaps with EPA's proposed rules for national emission standards for hazardous air pollutants for reciprocating internal combustion engines and its GHG endangerment finding. Many impacted entities are reviewing and preparing comments on these

proposed rules at the same time they are reviewing and providing comments on this proposed reporting rule; however, EPA denied requests for an extension to the comment period. We do not think EPA's 60 day comment period was adequate or appropriate for such an extensive rule. At a minimum, impacted entities (especially small businesses like independent oil and gas operators) should have been allowed at least a 120 day comment period.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1.

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**Commenter Name:** Melinda L. Tomaino

**Commenter Affiliation:** Associated General Contractors of America (AGC)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0628.1

**Comment Excerpt Number:** 1

**Comment:** If finalized, EPA's proposal would "require reporting of greenhouse gas emissions from all sectors of the economy" in very short order. The proposal identifies several differing reporting requirements by source category and/or threshold of emissions. AGC members have not been given enough time to determine if, or to what extent, the proposed rule may impact their businesses. As a general rule, most facilities have never before measured their GHG emissions. Accordingly, most facilities (1) do not know whether they fall within the proposed reporting threshold, (2) do not know how to prepare GHG inventory baselines and collect emissions data, and (3) do not know how to perform audits and verification; all required under the rule. Moreover, EPA has requested comment on multiple options associated with varying reporting thresholds, schedules for reporting, means/methods of reporting, the duration of the program, and data verification approaches. EPA also has questioned whether to include reporting requirements for in-use fleets and purchased electricity. EPA has already stressed the time-sensitive nature of this rulemaking (FY08 Appropriations Act requires EPA to issue a final rule by June 26, 2009) and the "urgent need to finalize it to allow for 2010 data collection." If EPA continues to deny industry's request to extend the comment period for the current proposed rule, then AGC suggests that EPA—at the very least—provide a second opportunity for public outreach and comment on a version of the rule that includes less unknowns and more certainty. AGC needs a more complete rulemaking package to fairly and accurately assess how the proposed rule would impact its members, to provide more valuable comment to EPA, and to more effectively prepare members to meet the new requirements. EPA should remain mindful of that the Data Quality Act and the agency's own Information Quality Guidelines require all information that EPA disseminates to meet strict standards pertaining to quality, objectivity, utility and integrity.

**Response:** For EPA's reasons for not extending the comment period, see the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1 above. EPA has determined that additional outreach for development of the rule is not necessary. For a summary of EPA's outreach activities, see the response to comment EPA-HQ-OAR-2008-0508-0433.1, excerpt 1 above. For the response to the comment the Data Quality Act, see the response to comment EPA-HQ-OAR-2008-0508-0314.1, excerpt 1 above.

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**Commenter Name:** Lisa Beal

**Commenter Affiliation:** Interstate Natural Gas Association of America (INGAA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0171.1

**Comment Excerpt Number:** 2

**Comment:** Concerns with fugitive methane emission estimate uncertainty apparently resulted in proposed Subpart W requirements that would significantly burden the natural gas transmission sector. These concerns have been acknowledged as INGAA worked with EPA on solutions, yet it appears that natural gas systems are penalized by these efforts. The additional comment period will provide the opportunity to work constructively towards solutions that equitably addresses GHG emission reporting requirements for natural gas systems commensurate with accepted principles for reporting programs. INGAA and the natural gas transmission industry have a history of responding to EPA rule proposals with substantive and constructive comments supported by data and analysis. Our comments have historically provided meaningful responses to areas where EPA requests comments, and offered sound-scientific alternatives and constructive comment to issues and problems identified in rule proposals. A sixty day comment period for the Proposed Rule severely hinders INGAA's ability to comment in a similar manner for this rulemaking. INGAA's historical comments have been consistent with the administration goal of science-based decision making. A limited comment period will compromise scientific integrity in the decision making for the Proposed Rule.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1. Regarding the concerns specific to the natural gas transmission sector, EPA is not going final with the oil and natural gas systems subpart. As we consider next steps, we will be reviewing the public comments and other relevant information. Thus, we are not responding to comments on this subpart at this time.

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**Commenter Name:** William C. Herz

**Commenter Affiliation:** The Fertilizer Institute (TFI)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0952.1

**Comment Excerpt Number:** 45

**Comment:** On April 13, 2009, TFI requested that EPA extend the comment period on the NPRM to at least 90 days, given the length of the proposed rule and preamble (over 283 pages, single-spaced and three columns per page in the Federal Register), the thousands of pages of supporting technical documents and data, and the highly technical nature of the NPRM and supporting publications. The Natural Gas Association of America, the American Petroleum Institute, BP of America and the National Association of Manufacturers (on behalf of several large national trade organizations and industry groups), all similarly requested extensions of the comment period. EPA denied all of these requests. In its letter to TFI denying TFI's request for an extension of the comment period, EPA stated that it could not extend the comment period "[d]ue to the time sensitive nature of this rulemaking and the urgent need to complete this rulemaking in order to allow for 2010 data collection." There is no reason why 2010 must be the first year of data collection. It would be preferable to delay the effective date of the rule in order to allow for meaningful participation of the regulated community in formulating a workable and reliable reporting system rather than to expedite an unwieldy, impractical rule in order to meet some self-imposed, arbitrary goal of reporting 2010 data. If, as EPA states in its response letter to TFI, the NPRM's purpose is to inform decision-making in Congress and the EPA, the Agency should ensure that information generated by the rule is reliable, rather than merely available at the earliest possible date regardless of accuracy, cost or practicability. EPA also cites, in its response to TFI's request for an extension of the comment period, the 2008 Consolidated Appropriations Act's deadline for finalizing a GHG reporting rule by June 26, 2009. As noted above, EPA has already failed to comply with the deadline for proposing a GHG reporting rule

by Sept. 26, 2008. If the need for the information generated by the NPRM was so urgent, EPA should have complied with the statutory deadline for proposing the rule, instead of delaying proposal and only now claiming expediency as a justification for limiting public participation and review of the NPRM. In her statement during her confirmation hearings before Congress, EPA Administrator Lisa Jackson stated that the Agency would operate with “unparalleled transparency and openness” and that “[s]cience must be the backbone of what EPA does.” Unparalleled transparency and openness calls for adequate public participation in the rulemaking process and adequate time to review the documents upon which EPA has based its regulatory decisions. EPA cannot claim openness and transparency when it publishes hundreds of pages of new rules with unprecedented scope and subject matter in federal regulation, along with hundreds of pages more in supporting documents, but provides only a few weeks to review those documents. The time period is hardly sufficient to read that volume of information, much less analyze it and provide meaningful comments and recommendations. Additionally, for science to truly be the backbone of EPA action, EPA must allow adequate time for scientists with relevant experience in affected industries to review their data and technical documents. EPA took months and years to prepare this information and perform the studies upon which the NPRM is based. Surely EPA can afford 90 days to allow a thorough scientific review of its decision in order to ensure that science remains the backbone of EPA’s decision-making process.

**Response:** For the response to extend the comment period, see the response to comment EPA-HQ-OAR-2008-0508-0211.1, excerpt 1. Through our review of the various alternative monitoring options and our extensive outreach activities we have determined that the monitoring approaches selected for each source category are workable and reliable. For additional information on EPA’s outreach activities, see the response to comment EPA-HQ-OAR-2008-0508-0433.1, excerpt 1 above. With respect to the request to delay the first year of data collection, see the preamble for the response on the selection of the initial reporting year and the response to comment EPA-HQ-OAR-2008-0508-0433.1, excerpt 1 above.

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## **2. STATUTORY AND EXECUTIVE ORDER REVIEWS**

### **A. PAPERWORK REDUCTION ACT**

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**Commenter Name:** Mark Gibbons

**Commenter Affiliation:** Dairy Producers of Utah

**Document Control Number:** EPA-HQ-OAR-2008-0508-1567

**Comment Excerpt Number:** 5

**Comment:** The level of paperwork is extremely burdensome. EPA seems to be maximizing and not minimizing paperwork contrary to the express requirement of the Paperwork Reduction Act, 44 USC Section 3501 et seq.

**Response:** As required by the Paperwork Reduction Act, 44 U.S.C. 3501 et seq, the information collection requirements including in this rule have been submitted for approval to the Office of Management and Budget (OMB). The information collection requirements are not enforceable until OMB approves them. We disagree that this rule maximizes, rather than minimizes paperwork. For additional information regarding our analysis of the projected costs and hour

burden of this rule, see the Section VIII.B. of the preamble and the Information Collection Request (ICR).

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**Commenter Name:** Benjamin Brandes

**Commenter Affiliation:** National Mining Association (NMA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0466.1

**Comment Excerpt Number:** 26

**Comment:** NMA believes that the double reporting that will result from the upstream reporting requirements of the proposal will violate the Paperwork Reduction Act of 1995 (PWA). Such requirements for coal suppliers will impose undue cost and administrative burdens on reporting entities even though EPA already has ready access to sufficient data regarding fossil fuel usage, combustion and distribution. NMA addresses the available information in the next section. The purpose of the PWA is to balance the paperwork burden against the public benefit of the information being sought. In addition to considering the other existing information available, EPA must consider the purposes the collected data will serve and identify the elements necessary to achieve those purposes. Additionally, EPA must identify why there is not a less burdensome means of collecting the information. Because no regulatory policy has been set, NMA believes that imposing a mandatory GHG reporting rule that imposes additional burdens and costs on impacted entities violates the PWA, particularly given the available information EPA has at its disposal. As previously stated, over 93% of the coal consumed in the United States is combusted in electric generating units. Because EGU's easily emit in excess of 25,000 tons of CO<sub>2</sub> per year, most electric generating facilities will be subject to the mandatory reporting requirements of the proposal. Most, if not all of these facilities employ continuous emission monitoring systems (CEMS) in accordance with the Acid Rain Program, and are already equipped to report actual CO<sub>2</sub> emissions to EPA. The U.S. Department of Energy's Energy Information Administration (EIA) currently receives coal data from every power plant in the country generating at least one megawatt of power. Power plants report the Btu value, volume, sulfur content and ash content of delivered coal on form EIA-923. Therefore, EPA already has access to information regarding how much coal is being produced at each mine, the quantity and quality of coal supplied to individual utilities, and the heating value of the product. This process is described by EPA in the Technical Support Document (TSD). EPA notes that heating value is not the same as carbon content. EPA has, however, routinely used well-established emission factors to convert heating value to carbon content. The TSD further explains that carbon content emission factors were developed based on data obtained by the U.S. Geological Survey (USGS) in its National Coal Quality Inventory conducted in conjunction with the Electric Power Research Institute and the U.S. Department of Energy. EPA used these factors in the proposed reporting rule to analyze appropriate reporting thresholds for coal suppliers. 74 Fed. Reg. at 16,565, Table KK-1.

**Response:** For the response to the comment regarding double reporting of emissions from upstream and downstream sources, see Section II.D. of the preamble and Volume 9 (Legal Issues) of this document. At this time, EPA is not going final with subpart KK (Suppliers of Coal) and subpart FF (Underground Coal Mines). As we consider next steps, we will be reviewing the public comments and other relevant information. Therefore, we are not responding to comments on these subparts at this time.

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**Commenter Name:** See Table 3

**Commenter Affiliation:**

**Document Control Number:** EPA-HQ-OAR-2008-0508-0477.1

**Comment Excerpt Number:** 8

**Comment:** Double-reporting violates the Paperwork Reduction Act of 1995 (PWA) by imposing undue cost and administrative burdens on entities for reporting, even though sufficient data on monthly and annual fossil fuel consumption already are provided by the EIA. The final rule must comply with the PWA. PWA's singular purpose is to balance the paperwork burden against the public benefit of the information being sought. The justifiable burden for GHG reporting will depend on the type of policy adopted for mitigating GHG emissions. For example, a reporting rule requiring real-time monitoring of emissions of GHGs at the point source might be overly burdensome if the policy adopted is anything other than a cap and trade and no financial instruments are tied to the emissions. From the standpoint of a GHG Reporting Rule, EPA must consider the following questions in light of the PWA: 1. What information purposes is the data collection intended to serve, and what data elements are necessary to achieve those purposes? 2. Are there other existing sources for the necessary information? 3. Is there a less burdensome way to collect the information? In terms of the first item, there are four main purposes that data proposed to be collected by EPA arguably could serve – scientific analysis, policy assessment, regulatory compliance, and litigation – and each of these purposes requires differing levels of detail. Because no regulatory policy has been set, imposing a mandatory GHG reporting rule that imposes additional burdensome costs violates the purpose of the PWA when existing data sources, such as data series from the EIA and GHG emissions publications from the EIA and EPA, would suffice. Until a policy requiring a new set of monitoring and reporting is adopted, we recommend that EPA select monitoring and reporting requirements that allow reporters to have flexibility and that minimize the costs of reporting.

**Response:** For the response to the comment on “double reporting” by both upstream and downstream sources, see the preamble section containing responses on source categories to report and Volume 9 (Legal Issues) of this document.

During the development of the rule, we considered obtaining data from other Federal government agencies, such as the Energy Information Administration (EIA). However, we determined that in order to collect facility-level emissions data and supply data that is consistent across all source categories, the data must be collected and verified directly by EPA. In addition, almost all of the data EPA will collect under this rule is not currently reported to other federal agencies. For additional information on EPA's decision not to use EIA data for refineries and fuel importers/exporters, see Section III.MM. “Suppliers of Petroleum Production” in the preamble to the final rule.

As required by the Paperwork Reduction Act, 44 U.S.C. 3501 et seq, the information collection requirements including in this rule have been approved by the Office of Management and Budget (OMB). For additional information regarding our analysis of the projected costs and hour burden of this rule, see the Section VIII.B. of the preamble and the Information Collection Request (ICR).

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**Commenter Name:** W. Hugh O'Riordan  
**Commenter Affiliation:** Givens Pursley LLP  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0413.1  
**Comment Excerpt Number:** 11

**Comment:** There is no need to require that all reporting sources keep records for five years onsite or to keep the records open for inspection since EPA already has received the information electronically. Because EPA has the information electronically, this requirement is unnecessary and burdensome. EPA attempts to justify the recordkeeping request beginning at 1.P.146. EPA's justification does not meet the requirements of the Paperwork Reduction Act, 44 USC Sections 3501 and 3508, because EPA appears to be maximizing not minimizing paperwork EPA significantly underestimates the burden and cost of its requirements.

**Response:** EPA has determined that a period of three years will be sufficient to allow EPA to audit and review records for verification of the annual reports. We have, therefore, changed the record retention requirement in the final rule from 5 years to 3 years. This change will reduce the recordkeeping burden for many facilities reporting under this rule. For the response to the comment on the Paperwork Reduction Act, see the response to comment EPA-HQ-OAR-2008-0508-1567, excerpt 5 above.

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## **B. UNFUNDED MANDATES REFORM ACT (UMRA)**

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**Commenter Name:** J. P. Blackford  
**Commenter Affiliation:** American Public Power Association (APPA)  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0661.1  
**Comment Excerpt Number:** 3

**Comment:** APPA requests that EPA specifically state that a utility must meet all the conditions listed in 98.33(b)(5)(ii) to be required to report under Tier 4 methodology, otherwise, they are permitted to report under Tier 3 or lower, as appropriate. APPA requests EPA consider this under the Unfunded Mandates Reform Act (UMRA).

**Response:** The commenter is correct that the Tier 4 methodology in subpart C applies only when all six conditions listed in §98.33(b)(5)(ii) are met. Facilities that must upgrade existing CEMS to meet Tier 4 requirements have until January 1, 2011 to complete the upgrade and may use either Tier 2 or Tier 4 monitoring methods for reporting 2010 emissions. For additional information on the revisions made to subpart C since proposal, see Section III.C. in the preamble to the final rule.

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**Commenter Name:** J. P. Blackford  
**Commenter Affiliation:** American Public Power Association (APPA)  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0661.1  
**Comment Excerpt Number:** 5

**Comment:** Suggestions for extending the reporting date are made by APPA at the request that EPA consider this under SBREFA and Unfunded Mandates Reform Act (UMRA). More than

90% of APPA member utilities are SBREFA qualified. All are entities of local government and are covered by UMRA.

**Response:** EPA believes that the reporting deadline included in the rule allows a sufficient amount of time for submitting annual GHG reports and does not place an unreasonable burden on small entities. For additional discussion of the reporting deadline, see the preamble response on the selection of the reporting deadline.

As required (SBREFA), we assessed the potential impacts of the rule on small entities, such as small businesses, governments, and non-profit organizations). The results of this analysis indicates that this rule does not have a significant economic impact on small entities. For more information on the economic impacts of the rule on small businesses, see the regulatory impact analysis (RIA), Section VII of the preamble, and the volume of this comment response document titled “Cost and Economic Impacts.”

We also assessed the effects of the rule on State, local, and tribal governments as required under Title II of the Unfunded Mandates Reform Act (UMRA). We determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments and does not impose any implementation responsibilities on State, local, or Tribal governments. For additional information on the UMRA review, see Section VIII.D. of the preamble.

To assist small entities, EPA is conducting an active outreach and technical assistance program designed to help facilities determine whether they are subject to the rule and to help affected facilities understand the monitoring and reporting requirements. These materials have been tailored to the various sectors and target small businesses and those industrial, commercial, and institutional sectors that are less familiar with air pollution regulation.

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### **3. MISCELLANEOUS COMMENTS DIRECTLY RELEVANT TO THE GHG REPORTING RULE**

#### **A. GENERAL SUPPORT FOR THE RULE**

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**Commenter Name:** Tara Ann Rabenold

**Commenter Affiliation:** Drexel University

**Document Control Number:** EPA-HQ-OAR-2008-0508-0226.1

**Comment Excerpt Number:** 1

**Comment:** I think it is a great idea to have nationwide mandatory reporting requirements to supplement the already existing requirements from both the States and Federal Government. It would be very helpful and more efficient to have an ideally accurate and complete knowledge of the amount and type of greenhouse gases (GHGs) emitted into the environment. I agree that it is difficult to obtain accurate and complete data from the plethora of voluntary and mandatory sources already out there.

**Response:** EPA appreciates your recognition of the importance of this rule.

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**Commenter Name:** E. Levin  
**Commenter Affiliation:** Drexel University  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0256.1  
**Comment Excerpt Number:** 5

**Comment:** GHG's have been feared to be an environmentally systemic problem since the second half of the 20th century, taking steps, although still regarded as "too little too late" by many, that can eventually lead to a successful solution to the emission of GHG's is a welcomed agenda and may even serve as a catalyst to a legitimate "clean coal" initiative.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Robbie LaBorde  
**Commenter Affiliation:** CLECO Corporation (CLECO)  
**Document Control Number:** EPA-HQ-OAR-2008-0508-1566  
**Comment Excerpt Number:** 1

**Comment:** In section I.B of the preamble, it is stated that human activity in association with the industrial revolution have also changed the earth's atmosphere and very likely are influencing the earth's climate. Also in section I.B, it is stated that most of the observed increase in global average temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic green house gas concentrations. Both sentences indicate that the effect of green house gas concentration on climate change has not yet been finalized. Clew agrees with EPA. In section I.F it is stated that EPA's proposing the mandatory green house gas reporting rule does not indicate that EPA has made any final decisions related to the questions identified in EPA's Climate Change ANPR. Cleco agrees that much more information is needed prior to a final decision being reached by EPA. As a result, Cleco also agrees with EPA that the MRGG is a needed program for producing a type and amount of data that should be considered prior to making decisions regarding cause and control with respect to the theory of climate change.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Larry R. Soward  
**Commenter Affiliation:** Texas Commission on Environmental Quality (TCEQ)  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0619  
**Comment Excerpt Number:** 1

**Comment:** I applaud the EPA's efforts in drafting a rule proposal that prioritizes the need for comprehensive and accurate data relating to greenhouse gas (GHG) emissions while minimizing to the greatest extent practicable the burden on those subject to the rule's provisions. With this rule proposal, the EPA has taken a critical step in building a meaningful foundation to evaluate our nation's contribution to climate change. The proposed rule contains no emissions reduction requirements; it only requires that sources above certain threshold levels report monitored or estimated GHG emissions. I urge the EPA to adopt rules at least as comprehensive as those proposed, and refrain from narrowing the scope of the rules, including reporting thresholds, emissions source categories, GHGs included, required reporters and reporting schedules. For decades, everyone has been keenly aware of the growing scientific certainty that, to some degree, our human activities contribute to climate change by emitting GHGs. Industry unfettered has

emitted trillions of pounds of GHGs since the beginning of the Industrial Revolution, and, until very recently, its response to climate change has been to spend decades --- and millions of dollars --- quarrelling over the science, rather than gathering needed data or voluntarily reducing its GHG emissions.

**Response:** EPA thanks the commenter for their input. The reporting threshold and GHGs to report remain unchanged from the proposal. The initial reporting year is still 2010, but reporters will be allowed to use best available methods in the first quarter. EPA has decided not to include subpart I (Electronics Manufacturing), subpart J (Ethanol Production), subpart L (Fluorinated Greenhouse Gas Production), subpart M (Food Processing), subpart T (Magnesium Production), subpart W (Oil and Natural Gas Systems), subpart DD (Sulfur Hexafluoride (SF<sub>6</sub>) from Electrical Equipment), subpart FF (Underground Coal Mines), subpart II (Wastewater Treatment), subpart KK (Suppliers of Coal) and the requirements for industrial landfills. EPA decided that more time was required to review comments and other relevant information for these selected source categories.

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**Commenter Name:** Mary Munn

**Commenter Affiliation:** Fond du Lac Band of Lake Superior Chippewa

**Document Control Number:** EPA-HQ-OAR-2008-0508-0596

**Comment Excerpt Number:** 1

**Comment:** The Band supports the EPA's efforts to develop mandatory reporting. Greenhouse gases (GHGs) must be tracked so mitigation efforts will be effective. Mitigating the effects of GHG will be a very complicated challenge but inaction is not an option.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** None

**Commenter Affiliation:** Idaho Conservation League et al.

**Document Control Number:** EPA-HQ-OAR-2008-0508-0590.1

**Comment Excerpt Number:** 1

**Comment:** The group of Idaho cities, counties, businesses, and non-profit organizations [See DCN: No. EPA-HQ-OAR-0208-0508-0590.1 for listed organizations.] support the U.S. Environmental Protection Agency's (EPA) decision to create a reliable, accurate and publically available greenhouse gas registry. Our organizations believe this to be a positive first step in understanding our national contributions to atmospheric greenhouse gas pollution. We look forward to working with EPA during the implementation of this rule to ensure it will inform the public of local, regional and national pollution sources. Climate change affects all facets of Idaho's economy and way of life – agriculture, forestry, tourism and outdoor recreation such as hunting, fishing and skiing. More wildfires, hotter and drier summers, and less winter snowpack are increasingly likely in Idaho because of rapidly changing climactic conditions. As Idahoans, we live close to the land and are among the first to see the impacts of climate change – from changing snowpack and river runoff to more frequent droughts and forest fires. Global warming is already affecting Idaho's landscapes and wildlife, and we are encouraged that the EPA is creating a greenhouse gas registry that will inform the public and any future policy decisions relating to the global climate crisis.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Roni Neff

**Commenter Affiliation:** Johns Hopkins University Bloomberg School of Public Health

**Document Control Number:** EPA-HQ-OAR-2008-0508-0595

**Comment Excerpt Number:** 2

**Comment:** The proposed plan to make greenhouse gas emissions reporting mandatory is a crucial step forward, and can provide valuable data tools to support policy and other interventions and to stimulate new ideas and plans to address emissions. The long experience of voluntary reporting to a variety of regulatory agencies suggests that a mandatory strategy with enforcement is much more effective – and that it is necessary in order to obtain a comprehensive, accurate and unbiased database.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** David Rich

**Commenter Affiliation:** World Resources Institute (WRI)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0642.1

**Comment Excerpt Number:** 2

**Comment:** WRI applauds EPA for developing this proposed rule for the mandatory reporting of greenhouse gases. With this reporting rule, EPA has taken a significant step forward in the US policy response to climate change. WRI commends EPA for developing a proposed rule that is well-designed to support current and emerging climate policy needs.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Larry R. Soward

**Commenter Affiliation:** Texas Commission on Environmental Quality (TCEQ)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0619

**Comment Excerpt Number:** 4

**Comment:** I strongly support the EPA's decision to propose GHG monitoring and reporting rules, and urge the EPA to reject all insupportable requests to delay vital data collection due to alleged "unsettled science" or "mixed science." Naysayers claim that efforts to quantify GHGs are part of a concerted effort to expand government, and will result in governmental intrusion into private business; that any such efforts will wreck the economy and have devastating financial impacts on families; that any efforts we make in the U.S. will be negated by the absence of commensurate efforts in developing nations; and that our industries and businesses will move to those developing nations so they can freely emit GHGs unchecked. These "doom and gloom" arguments against beginning to meaningfully address climate change issues are but a rehash of the continuing refrain heard every time any major piece of environmental legislation or policy has been implemented in this country to date. The EPA has rightly initiated action that will help all of us understand the extent of the GHG emitters' impact on the environment and the public health and welfare of our citizenry, and has proposed to do so in a fair and balanced approach --both as to the environment and to our economy.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Larry R. Soward

**Commenter Affiliation:** Texas Commission on Environmental Quality (TCEQ)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0619

**Comment Excerpt Number:** 14

**Comment:** The EPA has done a very good job of minimizing the burden on those potentially subject to the rule's reporting provisions. A facility will only have to report on source categories for which the EPA has proposed methods in the rule, and the EPA proposed methods only for source categories that typically contribute a relatively significant amount to a facility's total GHG emissions. For small facilities, where feasible, the EPA proposed simplified emission estimation methods.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Larry R. Soward

**Commenter Affiliation:** Texas Commission on Environmental Quality (TCEQ)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0619

**Comment Excerpt Number:** 17

**Comment:** The EPA states that the goals of the mandatory GHG reporting program are: "obtain data that is of sufficient quality that it can be used to support a range of future climate change policies; balance the rule coverage to maximize the amount of emissions reported while excluding small emitters; and create reporting requirements that are consistent with existing GHG reporting programs by using existing GHG emission estimation and reporting methodologies to reduce reporting burden, where feasible." The EPA rule proposal reasonably and effectively achieves these goals by prioritizing the need for comprehensive and accurate data while minimizing to the greatest extent practicable the burden on those subject to the rule's provisions. It should be adopted substantially as proposed.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Tracy Babbidge

**Commenter Affiliation:** Connecticut Department of Environmental Protection

**Document Control Number:** EPA-HQ-OAR-2008-0508-0449.1

**Comment Excerpt Number:** 1

**Comment:** CT DEP strongly supports a cohesive national GHG program based on sound science. A GHG reporting rule is a fundamental component of such a national program and EPA's proposed rule is an excellent starting point from which to begin.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Arthur N. Marin

**Commenter Affiliation:** Northeast States for Coordinated Air Use Management (NESCAUM)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0556.1

**Comment Excerpt Number:** 1

**Comment:** NESCAUM supports EPA's efforts to develop a greenhouse gas (GHG) reporting program. A robust GHG inventory provides the cornerstone data for developing, monitoring, and evaluating GHG policies and regulatory programs.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** See Table 1

**Commenter Affiliation:**

**Document Control Number:** EPA-HQ-OAR-2008-0508-0358

**Comment Excerpt Number:** 1

**Comment:** The strong new national emissions reporting system the Environmental Protection Agency (EPA) recently proposed is at the center of the fight against global warming.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** J. Carl Maxwell

**Commenter Affiliation:** The American Chemical Society (ACS)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0305

**Comment Excerpt Number:** 1

**Comment:** The American Chemical Society is pleased to support proposed regulations (EPA-HQ-OAR-2008-0508) to create a national greenhouse gas registry. We applaud your work to create a system for tracking national greenhouse gas emissions and bringing transparency and efficiency to any future policies concerning the global climate change. ACS believes that a strong federal effort to study global climate change is essential to help policymakers understand the steps that will be necessary to protecting our planet. A national registry, as envisioned in this proposal, will create a baseline with which lawmakers can properly implement an effective, consistent, and economically viable climate change policy.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Carol Cook

**Commenter Affiliation:** Coalition for Health Concern, Inc.

**Document Control Number:** EPA-HQ-OAR-2008-0508-2125

**Comment Excerpt Number:** 1

**Comment:** We urge the Environmental Protection Agency to implement the Proposed Mandatory Greenhouse Gas Reporting-Rule. This general region is subject to high humidity and air inversions. The Calvert City Chemical Complex is a major emitter of green house gases, including the production of refrigerants and fluorinated gases. We appreciate EPA's attention to the greenhouse gas emissions, and urge strict enforcement

**Response:** EPA thanks the commenter for their input. At this time, EPA is not going final with subpart L (Fluorinated Greenhouse Gas Production) to allow additional time to review the public comments and other relevant information on this source category.

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**Commenter Name:** Christina Yagjian

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0212.1m

**Comment Excerpt Number:** 1

**Comment:** The EPA's decision to create an accurate, reliable, and publicly accessible national greenhouse gas registry is a critical and urgent first step towards solving our climate crisis.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** C. S. Ramirez

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0258

**Comment Excerpt Number:** 1

**Comment:** I firmly believe the substantive requirements of this regulation are past due. With our understanding of the effects of human industry on climate change evolving on a near daily basis, data on when, where and how GHG is being released, and more importantly, who is doing it, is becoming more and more relevant and necessary. Should the need arise, this data could be use to develop mitigation plans that address the specific needs, of affected regions.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** P. Horan

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0257.1

**Comment Excerpt Number:** 1

**Comment:** I am writing in support of the Environmental Protection Agency's proposed rule relating to the mandatory reporting of greenhouse gases. I believe this is a great need for a rule like this, and the EPA's proposed rule is a very good attempt at creating one.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** E. Levin

**Commenter Affiliation:** Drexel University

**Document Control Number:** EPA-HQ-OAR-2008-0508-0256.1

**Comment Excerpt Number:** 1

**Comment:** The Environmental Protection Agency's proposed rule for Mandatory Reporting of Greenhouse Gases is consistent with the statutory authority bestowed upon this agency under the

Clean Air Act. The proposed rule is not only well within the confines of the EPA's mandate, but it is also a consumer intuitive directive aimed not just at more accurately assessing the emissions of GHG's, but hopefully, will also serve as a stimulant to nation wide "green" initiatives.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** L. Annetta

**Commenter Affiliation:** George Washington University School of Public Health

**Document Control Number:** EPA-HQ-OAR-2008-0508-0255.1

**Comment Excerpt Number:** 1

**Comment:** I support the EPA's proposed rule of mandatory reporting of greenhouse gases (GHG). While I agree with the current provisions, the EPA needs to do more to regulate the emissions of greenhouse gases, particularly because of its effects on human health. The EPA should not wait to determine the amount of GHGs being emitted before regulating them. One of the main drivers of climate change is the atmospheric concentrations of GHGs. The EPA should simultaneously propose a rule to regulate GHGs, and that process should begin now. GHGs contribute to global climate change, and on page 16454 of FR Vol. 74, No 68, the Proposed rule states that "overall risk to human health, society and the environment increases with increases in both the rate and magnitude of climate change." Furthermore, on page 16465, the proposed rule states "Regulations targeting black carbon emissions or ozone precursors would have combined benefits for public health and climate". The proposed rule goes on to say that "This action is not subject to EO13045 because it does not establish an environmental standard intended to mitigate health or safety risks." While the mandatory reporting of GHGs does not establish a standard and therefore does not directly mitigate health risks, I feel support for this measure is necessary as it paves the way for regulation in the future which would help to protect the public's health. Public Health Implications Recently, in April 2009, the EPA formally declared that carbon dioxide and five other heat-trapping gases are pollutants that endanger public health and welfare. EPA Administrator Lisa P. Jackson stated "This finding confirms that greenhouse gas pollution is a serious problem now and for future generations". While mandatory reporting will not do anything directly to affect public health, it is an important first step in protecting the public's health from global climate change by laying the groundwork for further action.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** James O. Kennon

**Commenter Affiliation:** Sevier Citizens For Clean Air And Water, Inc. (SCCAW)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0251.1

**Comment Excerpt Number:** 1

**Comment:** The United States of America can no longer neglect the issue of greenhouse gases. The science community has been sounding the alarm for years. While some do disagree with man's contribution to the warming problem, most agree the earth is warming. With the removal of the vegetation here at home, and around the world, the clock is ticking. The conversion of agricultural land to other uses is having its effects right here in our valley. It is time to consider the impacts on the people in regards to the health care problems. Not only is GHG imposing needless suffering on several thousand innocent people but the increased cost of health care must be considered in the costs of moving ahead with regulating greenhouse gases. The regulations as now enforced have not prevented the increase in health related problems caused by greenhouse

gases. Many of our members suffer from the health affects caused by GHG, but nothing in the regulations protect our citizens due to the small population in the area. The 20,000 or so people in our county suffer just as a population of 300,000 but the regulations do not protect us. At a USGCRP Seminar on April 20, 1998, Orie L. Loucks, Miami University, Ohio, reported that he estimated the cost of increased health care at \$12 Billion in 1998 dollars. Now, over ten years later, we have not stopped the trend. Climate Change increases mans mortality rates, causes rapid respiration in the lungs and bloodstream. Other symptoms are asthma, and asthma-like attacks that are difficult to live with.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Jesse Prentice-Dunn

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0212.1o

**Comment Excerpt Number:** 2

**Comment:** The EPA's decision to create a national greenhouse gas registry is the first step towards addressing our climate crisis. I applaud the EPA's decision and urge you to implement the proposed Federal Greenhouse Gas Reporting Rule for several reasons. First, a Federal registry is desperately needed. It is often said that you can't manage what you don't measure, and this greenhouse gas registry will form the foundation for reducing our emissions in the future.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Megan Fletcher

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0212.1n

**Comment Excerpt Number:** 3

**Comment:** One of the first steps in creating an effective system in which to reduce greenhouse gas emissions is establishing a greenhouse gas registry. I am pleased that the EPA is developing a nationwide registry system that will provide accurate and reliable information about major emissions and emission sources. A national registry and the data it will provide are essential for designing effective emission reduction programs.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Cindy Olson

**Commenter Affiliation:** EcoCoach

**Document Control Number:** EPA-HQ-OAR-2008-0508-0212.1p

**Comment Excerpt Number:** 3

**Comment:** With political direct action, the EPA by actually having a comprehensive national system for reporting emissions makes America actually become in the forefront instead of behind most of the rest of the world.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** E. Levin

**Commenter Affiliation:** Drexel University

**Document Control Number:** EPA-HQ-OAR-2008-0508-0256.1

**Comment Excerpt Number:** 3

**Comment:** One of the most pressing environmental concerns is the staggering effects burning coal has on the environment. Burning coal is a leading cause of smog, acid rain, global warming, and air toxics. In an average year, a typical coal plant generates: 3,700,000 tons of carbon dioxide (CO<sub>2</sub>), the primary human cause of global warming— and as much carbon dioxide as cutting down 161 million trees; 10,000 tons of sulfur dioxide (SO<sub>2</sub>), which causes acid rain that damages forests, lakes, and buildings, and forms small airborne particles that can penetrate deep into lungs; 500 tons of small airborne particles, which can cause chronic bronchitis, aggravated asthma, and premature death, as well as haze obstructing visibility; 10,200 tons of nitrogen oxide (NO<sub>x</sub>), as much as would be emitted by half a million late-model cars (NO<sub>x</sub> leads to formation of ozone (smog) which inflames the lungs, burning through lung tissue making people more susceptible to respiratory illness); 720 tons of carbon monoxide (CO), which causes headaches and place additional stress on people with heart disease; 220 tons of hydrocarbons, volatile organic compounds (VOC), which form ozone; 170 pounds of mercury, where just 1/70th of a teaspoon deposited on a 25-acre lake can make the fish unsafe to eat; 225 pounds of arsenic, which will cause cancer in one out of 100 people who drink water containing 50 parts per billion; 114 pounds of lead, 4 pounds of cadmium, other toxic heavy metals, and trace amounts of uranium. [See [http://www.ucsusa.org/clean\\_energy/coalvswind/c02c.html](http://www.ucsusa.org/clean_energy/coalvswind/c02c.html).] The negative derivatives from coal production are enormous; the need for heightened reporting requirements, while appallingly minute compared to the real physical damage being done, is equally immense. Coal is a combustible black or brownish-black sedimentary rock composed mostly of carbon and hydrocarbons. It is the most abundant fossil fuel produced in the U.S. Over 90 percent of the coal used in the U.S. is used to generate electricity. Coal is also used as a basic energy source in many industries, including cement and paper. In 2006, the combustion of coal for useful heat and work resulted in emissions of 2,065.3 million metric tons CO<sub>2</sub>, or 29 percent of total U.S. GHG emissions.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Cindy Olson

**Commenter Affiliation:** EcoCoach

**Document Control Number:** EPA-HQ-OAR-2008-0508-0212.1p

**Comment Excerpt Number:** 5

**Comment:** EcoCoach agrees with the EPA Administrator, Lisa P. Jackson, that we need comprehensive and accurate data on greenhouse gases because what we can measure we can change.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Megan Fletcher  
**Commenter Affiliation:** None  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0212.1n  
**Comment Excerpt Number:** 5

**Comment:** It is my belief that this registry will be the first step in creating climate change legislation, and I hope the final draft of the registry is strong and comprehensive.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Jesse Prentice-Dunn  
**Commenter Affiliation:** None  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0212.1o  
**Comment Excerpt Number:** 7

**Comment:** I commend the EPA's Proposed Greenhouse Gas Registry which will serve as the foundation for reducing our greenhouse gas emissions, and I am hopeful that the Greenhouse Gas Registry will be the first in a series of EPA decisions that will reduce global warming, pollution, and move us towards a clean energy economy.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** R. S. Goods  
**Commenter Affiliation:** Drexel University  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0233  
**Comment Excerpt Number:** 1

**Comment:** This proposed rule is an excellent idea and has the potential to result in significant change for the environment. Institution reporting requirements of GHG emissions will enable the EPA and Congress to do more research and institute regulations and laws to protect the environment. Hopefully the recordkeeping and reporting requirements in this proposed rule will lead to regulatory standards for GHG emissions.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0255.1, excerpt 1 above.

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**Commenter Name:** Anonymous  
**Commenter Affiliation:** None  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0227  
**Comment Excerpt Number:** 1

**Comment:** I support the proposed rule for the mandatory reporting of greenhouse gas emissions from all sectors of the economy. This rule would get the ball rolling for a nationwide inventory of greenhouse gases which will in all likelihood be regulated in the near future under some sort of Clean Air Act scheme or a carbon cap and trade system that the United States will be a party to. The proposed rule does not impose any greenhouse gas controls but rather just monitoring and reporting which is a good transition between nothing (which is what we currently have) and

a full control scheme. A staggered implementation of methods that will lead to addressing the climate change issue is the wisest way to proceed.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** B. Gentile

**Commenter Affiliation:** Drexel University

**Document Control Number:** EPA-HQ-OAR-2008-0508-0231.1

**Comment Excerpt Number:** 1

**Comment:** I support the proposed rule as published for comment. In particular: having these facilities report their emissions is an important beginning to halting the environmental crisis. Although I am not usually for government interference with private businesses, these facilities seem to be incapable of self-regulation. I believe that this rule, although regulatory in nature, does not put too much pressure on these facilities.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Noor Osman

**Commenter Affiliation:** National Petrochemical & Refiners Association

**Document Control Number:** EPA-HQ-OAR-2008-0508-0220.1

**Comment Excerpt Number:** 1

**Comment:** Most evidence indicates that the modification of the atmosphere's chemical composition due to human emission of greenhouse gases has resulted in surface warming. Given that the United States is one of the largest emitters of greenhouse gases globally— and the incontrovertible evidence that these emissions have lead to global climate change, the proposed regulation is necessary and timely.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** T. Moore

**Commenter Affiliation:** Drexel University Earle Mack College of Law

**Document Control Number:** EPA-HQ-OAR-2008-0508-0236

**Comment Excerpt Number:** 1

**Comment:** With society's increased awareness of global warming effects, I think that it is a great first step for the EPA to establish mandatory reporting of greenhouse gases.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** J. O. Kennon

**Commenter Affiliation:** Sevier Citizens For Clean Air And Water, Inc. (SCCAW)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0240

**Comment Excerpt Number:** 1

**Comment:** I would very much like to see CO<sub>2</sub> regulated as soon as possible. The science is in and it has been delayed for to many years already. In our area the weather has changed and we must reverse the changes we see taking place. Many states are looking at their own regulations and we need all states to be governed by the same regulations, You hear about saving Polar Bears, which is a worthwhile thing to do, but we must think about saving mankind and the ability to provide food for the table. I strong support the efforts of the EPA in pursuing these regulations.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Jeffrey Stacey  
**Commenter Affiliation:** Drexel University  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0221  
**Comment Excerpt Number:** 1

**Comment:** It is commendable that EPA (“the Agency”) is looking forward. The proposed rules, “intended to support future policy options,” can help us address the problem of global warming not only in our country but also even on an “international” level. See FR Doc E9-5711 at 16468.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** P. Hill  
**Commenter Affiliation:** Drexel University  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0232.1  
**Comment Excerpt Number:** 1

**Comment:** Few would seriously argue in this day and age that GHGs are not a significant threat to the continued existence of our planet, and most would also agree that the threat must be addressed for our society and economy to continue to prosper. The proposed rule requiring the gathering and reporting of information regarding emission of GHGs in order to allow inter and intra agency comparison of the relative ecological damage done over time seems a necessary first step to determining how to address the damage GHGs cause.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Ushma N. Domadia  
**Commenter Affiliation:** Drexel University Earle Mack College of Law  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0234  
**Comment Excerpt Number:** 2

**Comment:** The proposed mandatory reporting of GHG will be helpful in addressing climate change and reducing atmospheric concentrations of GHG, however this requires tracking company emissions accurately.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Laurie Burt

**Commenter Affiliation:** Massachusetts Department of Environmental Protection

**Document Control Number:** EPA-HQ-OAR-2008-0508-0212b

**Comment Excerpt Number:** 2

**Comment:** I really applaud EPA for proposing this rule, and I think following the adage that we can't reduce what we can't measure, consistent and accurate reporting of emissions nationwide is absolutely a critical foundation for a successful national climate program.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** J. Norton

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0217

**Comment Excerpt Number:** 2

**Comment:** I applaud the EPA's efforts in working towards regulation of GHGs through the initiation of mandatory GHG emission reporting. However, the increasing rates of GHG emissions and the increasing severity of their impacts on planetary and human health preclude the option of procrastination in setting GHG emission regulations. Though mandatory GHG emission reporting is a step in the right direction, and analysis of data on emission patterns will be helpful in developing regulations, I fear that much damage will occur if we await data from such reports prior to setting regulations.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0255.1, excerpt 1 above.

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**Commenter Name:** R. A. Jones

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0150

**Comment Excerpt Number:** 1

**Comment:** I am submitting my comment in favor of the proposed Mandatory Greenhouse Gas Reporting Rule. Collecting emissions data from industry and large businesses is necessary to have sufficient information available to proceed with targeted pollution reductions. EPA is the federal agency best equipped to handle the required scientific approach to lowering climate-altering gases. I strongly urge your policymakers to speed enactment and enforcement of this Rule.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** J. Friedmann

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0143

**Comment Excerpt Number:** 1

**Comment:** Please institute the proposed Mandatory Greenhouse Gas Reporting Rule as soon as is possible. The effects of greenhouse gas emissions are damaging our air, land, and sea. We

cannot afford to wait a minute more--you don't need me to tell you that the science couldn't be much clearer.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** J. Kriendler

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0141

**Comment Excerpt Number:** 1

**Comment:** Thank you EPA for such a level headed proposal. This proposal will bring transparency to an issue that has been obscured by its sheer size. Collecting information piecemeal from state agencies and the few industries which do report this sort of data has made it difficult at best to truly assess the depth of our greenhouse gas emissions on a national scale. The government will have an easier time understanding the challenges of reducing emissions if we can clearly see our starting point measured in a uniform way, something which can only be done at a federal level. This program is years over due and I commend the proposal and I hope it starts very soon.

**Response:** EPA thanks the commenter for their input. As stated in the preamble to the proposed rule (74 FR 16488, April 10, 2009), monitoring of emissions will begin in 2010, with the first reports submitted by March 31, 2011.

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**Commenter Name:** K. Keys

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0159

**Comment Excerpt Number:** 1

**Comment:** I wish to state that I am highly in favor of this rule. It is an excellent step forward toward regulation of GHG emissions and an eventual cap and trade system both of which I am also highly supportive. Please continue to aggressively pursue all of these objectives so that we can finally clear America's air of harmful pollutants and greenhouse gases. We cannot afford to wait any longer.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Z. Bower

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0155

**Comment Excerpt Number:** 1

**Comment:** Finally. This should not even be up for debate. It should have been regulated all along. The size of the facilities required to report should be lower.

**Response:** EPA thanks the commenter for their input. For additional information on how the data collected by this rule will be used, see the response to comment EPA-HQ-OAR-2008-0508-0255.1, excerpt 1 above. For the response to the comment on the size of facilities subject to the

rule, see the preamble for the responses on selection of sources to report and selection of the threshold.

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**Commenter Name:** B. Karney

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0157

**Comment Excerpt Number:** 1

**Comment:** I want to register my strong support for the proposed rule. We must take strong steps to stop polluting our atmosphere with GHG.

**Response:** EPA thanks the commenter for their input.

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**Commenter Name:** Rebecca Henson

**Commenter Affiliation:** Calvert Asset Management Company, Inc.

**Document Control Number:** EPA-HQ-OAR-2008-0508-0375

**Comment Excerpt Number:** 1

**Comment:** Calvert would like to voice strong support for this reporting rule. Calvert sees climate change as a risk to companies who are not prepared for it. There are numerous ways that we believe companies can responsibly manage these risks, and many of these efforts are underpinned by quality disclosure. Disclosure is key to addressing climate risks and to giving investors the information they need to make informed investment decisions. We have worked closely with voluntary efforts to encourage reporting, such as the Carbon Disclosure Project (CDP) and the Global Reporting Initiative (GRI), but we strongly believe that a mandatory reporting requirement is necessary to help bring a large number of reporting laggards up to speed. The CDP and GRI play important roles in providing an opportunity for responsible companies to disclose a range of climate-related information in lieu of the absence of mandatory reporting, but there are still many companies that face climate change risks that do not voluntarily report. We think that EPA's rule would create a GHG emissions reporting floor for reporting, and believe that voluntary initiatives could expand upon these efforts to gather information on how companies are managing emissions and the effects of climate change. As is implicit in this proposed rule, what gets measured gets managed. We believe that this rule encourages companies to measure their emissions, which will then in turn provide them with the necessary knowledge to develop an emissions reduction strategy. In developing this rule, Calvert would like EPA to give particular attention to the appropriate scope of entities covered by the requirement, the scope of emissions (beyond Scope 1) that may be included, the specific format of company reporting and how that data will be disclosed by EPA, and issues surrounding data quality. Again, a more detailed response to these issues can be found in the attached document from SIF. [Note: no attachment was received.]

**Response:** EPA thanks the commenter for their input. With respect to sources covered under this rule, see the preamble for the response on selection of source categories to report. With respect to the scope of GHGs covered under this rule, see the preamble for the response on selection of GHGs to report. For the response to the comment on the format of reporting and public access to emissions data, see the preamble section on the collection, management, and dissemination of GHG emissions data and Volume 11 (Designated Representative and Data Collection, Reporting, Management, and Dissemination) of this document.

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## **B. GENERAL OPPOSITION TO THE RULE**

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**Commenter Name:** Michael Carlson

**Commenter Affiliation:** MEC Environmental Consulting

**Document Control Number:** EPA-HQ-OAR-2008-0508-0615

**Comment Excerpt Number:** 1

**Comment:** It is apparent that these statements as well as the premise of the proposed rule are predicated on the United Nations' 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change and its earlier 2006 report. However, many of the modeling inputs as well as findings and conclusions presented in these UN reports have been debunked or refuted by scientists, including Dr. Richard Lindzen, professor of meteorology at MIT, as presented in various peer-reviewed journals and other scientific publications. Many of these papers are summarized and cited in a recently published book titled *Climate Change Reconsidered*, coauthored by Drs. S. Fred Singer and Craig Idso. In short, there is no evidence that increased global temperatures over the past 50 years is due to human activity, or that increased carbon dioxide levels in the atmosphere are unnatural and anthropogenic in origin. Over 31,000 American scientists- including approximately 9,000 with doctorate degrees- have signed a manifesto that states in part: There is no convincing scientific evidence that human release of carbon dioxide, methane or other greenhouse gases is causing or will, in the foreseeable future, cause catastrophic heating of the Earth's atmosphere and disruption of Earth's climate. Thus, MEC Environmental Consulting sees no compelling reason for the agency to pursue promulgation of this rule to mandate reporting of greenhouse gases (GHGs) by American businesses.

**Response:** The commenter suggests that the proposed rule was predicated on the United Nations' 2007 Fourth Assessment Report of the IPCC. Although the IPCC report highlights the seriousness of climate change, EPA reminds the commenter that we are fulfilling the requirements of the FY2008 Appropriations Act, which specifically required EPA to "develop and publish a draft rule not later than nine months after the date of enactment of this Act, and a final rule not later than 18 months after the date of enactment of this Act, to require mandatory reporting of GHG emissions above appropriate thresholds in all sectors of the economy of the United States." (Consolidated Appropriations Act, 2008, Public Law 110-161, 121 Stat 1844, 2128 (2008)). The accompanying joint explanatory statement directed EPA to "use its existing authority under the Clean Air Act" to develop this mandatory GHG reporting rule, and directed EPA "to include in its rule reporting of emissions resulting from upstream production and downstream sources, to the extent that the Administrator deems it appropriate." The reporting program will provide EPA, other government agencies, and outside stakeholders with economy-wide data on GHG emissions, which could assist in future policy development. Accurate and timely information on GHG emissions is essential for informing future climate change policy decisions.

Several commenters have expressed concern regarding the science of climate change. This rule is not the appropriate forum for that discussion. EPA proposed findings that GHG emissions from new motor vehicles and engines contribute to air pollution which may reasonably be anticipated to endanger public health and welfare (74 FR 18886, April 24, 2009, "Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of

the Clean Air Act”). The endangerment proposal has received over 350,000 public comments, covering the issues raised by the commenters on this reporting rule and many others. We will be responding to those comments as part of the process of completing that action.

Finally, several commenters expressed the view that the data collected under this rule would not be useful in any way. The information gathered by this rule will improve EPA’s research and development program as it relates to GHGs and climate change, as well as the Agency’s nonregulatory approaches to preventing or reducing air pollutants. For additional information on how EPA will use the data collected, see Section I.D of the preamble and Volume 9 (Legal Issues) of this document.

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**Commenter Name:** Thomas W. Easterly

**Commenter Affiliation:** Indiana Department of Environmental Management (IDEM)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0525.1

**Comment Excerpt Number:** 1

**Comment:** Indiana believes that limitations and contradictions of current scientific evidence associated with the role of anthropogenic GHG emissions in global climate change warrant further investigation of GHG science prior to costly and cumbersome regulatory action. For example, recent global temperature data do not indicate any global warming since 1998 and even the Intergovernmental Panel on Climate Change acknowledges that reliable long term prediction of future climate is not currently possible. Earth has gone through these natural temperature fluctuations on a regular and generally predictable cycle, and there is overwhelming evidence that it has been doing this throughout geologic history. The variability of the sun’s solar activity and its effect on Earth’s climate is still being evaluating, and according to some scientists, may be the driving factor in temperature variation. This is supported by observed temperature increases on the other planets in the solar system proportional to the increased observed on Earth. Until the extent of warming and increases in the global concentration of GHGs resulting from the Earth’s natural cycle can be determined, it is not possible to accurately measure the impact of human activity on this cycle, or to determine if human activities have any measureable effects. The proposed reporting rule does not account for water vapor from either anthropogenic or biogenic sources. In addition, the proposed rule will only inventory approximately 54.9% of the remaining anthropogenic GHG emissions from the U.S. and even less of the total amount of CO<sub>2</sub> emitted from all anthropogenic sources. Additionally, the total anthropogenic contribution of GHGs is dwarfed in comparison to that from biogenic sources. For example, conservatively assuming that water vapor contributes 70% of the total GHGs emitted, and the proposed reporting rule only addresses 54.9% of the remaining anthropogenic emissions from sources within the U.S., only 16% of US anthropogenic GHG emissions would be accounted for through this rulemaking. It is reasonable to assume that the effect of less than 16% of the GHGs within the U.S. alone would have a miniscule or even undetectable effect on climate change on a global scale. Indiana supports environmental protection actions that result in benefits to human health and the environment and that are achieved at a reasonable cost to society. The U.S. is currently struggling with serious economic woes. Applying a mandatory reporting rule to U.S. businesses in order to ultimately address global climate change, outside of any international framework that brings together all of the world’s major economies, both developed and developing, would simply export economic activity and emissions to less-regulated countries and might not generate any net reduction in worldwide GHG emissions.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment on why water vapor is excluded from the rule, see Volume 2 (Selection of Reporting Thresholds, Greenhouse Gases, and De Minimis Provisions) of this document. For more information on the economic impacts of the rule, please refer to the regulatory impact analyses, and the volume of this comment response document titled “Cost and Economic Impacts.”

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**Commenter Name:** D. A. Huff

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0281

**Comment Excerpt Number:** 1

**Comment:** I find the need for the rule to be unsupported by either the historical estimates of GHG levels for the past 600 million years or the existing primitive scientific models. Action on GHGs should be deferred until science provides more verifiable/credible evidence that man-made GHGs are actually driving climate change and that current climate trends are, in fact, potentially hazardous to life on this planet. Until, such definitive evidence is forth coming, implementing rules that will cost the American public billions of dollars is wasteful and betrays the public trust that the American people should expect from its government agencies.

**Response:** See the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1.

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**Commenter Name:** Anonymous public comment

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0501.1

**Comment Excerpt Number:** 2

**Comment:** Existing climate models are not precise enough to make useful predictions about earth’s future climate. Their accuracy is undetermined. Many climate models have been developed. For example the graph [[note: see DCN:EPA-HQ-OAR-2008-0508-0501.1 for graph showing temperature change vs. year] taken from the website:

<http://www.drroyspencer.com/2009/05/climate-model-predictions-it%E2%80%99s-time-for-a-reality-check/> One disconcerting feature of these models is that they do not give the same answer. Predictions based on well establish laws give the same answer. For example Newton’s laws of motion applied to space activity allow everyone to get the same answer. This makes it possible for any nation to put a satellite into orbit or hit the moon or send an astronaut to the moon and return. It’s not like sometimes you hit and sometimes you miss. No one would consider sending an astronaut into space without understanding perfectly the physics of motion to bring him back. I submit that climate models do not contain physical principles of sufficient precision and accuracy to warrant their use to make Federal regulations.

**Response:** See the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1.

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**Commenter Name:** R. Cable

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0259

**Comment Excerpt Number:** 1

**Comment:** Regulating carbon dioxide as a GHG would be quite foolish. First of all, global warming (climate change as some people now call it) is not a proven science. Many experienced scientists have expressed doubt as to whether man has anything to do with any type of climate change. Is it wise to prejudge the issue when so many scientists express doubt with climate change? With new technology, many industries can ameliorate or even prevent the effects any type of environmental derogation relating to carbon dioxide. By regulating carbon dioxide as a GHG, many industries would suffer financially. As a result, massive layoffs would occur. Furthermore, the average American citizen would have to pay increased energy costs seeing as how companies pass on higher taxes from excessive government regulations to their customers. Put America first, not junk science.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** R. Purcell

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0332

**Comment Excerpt Number:** 1

**Comment:** Controlling CO<sub>2</sub> emissions may be currently politically correct but it's still ridiculous practically. CO<sub>2</sub> regulation will have no effect on climate; it will devastate the USA's economy and create windfalls for politically connected special interests. Concentrate on getting a practical regulatory system for methane, oxides of nitrogen, and hydrofluorocarbons; eschew the CO<sub>2</sub> scam.

**Response:** See the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. The rationale for excluding CO<sub>2</sub> from the reporting program is not clear from the comment. All of the GHGs covered by this rule are well-mixed in the atmosphere and are changing the radiative balance of the atmosphere.

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**Commenter Name:** D. A. Huff

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0281.1

**Comment Excerpt Number:** 1

**Comment:** Since the underlying premise for requiring mandatory GHG reporting (particularly of CO<sub>2</sub>, which accounts for the majority of the GHGs that will require reporting under the proposed rule) is that human-caused emissions of GHGs are changing the climate of Earth in a way that will negatively impact life on this planet, the EPA needs to address the following technical issues prior to proceeding with costly reporting measures that are intended to support even more costly GHG controls in the future: During the history of life on this planet, the concentration of CO<sub>2</sub> in the atmosphere is estimated to have varied from approximately 7000 ppm during the Cambrian period and 1800 ppm during the Jurassic period to a low of about 280 ppm during the pre-industrial portion of the Quaternary period that we now live in. In fact, by historical standards, the 390 ppm of CO<sub>2</sub> that we are now experiencing is significantly lower than what the Earth has

normally experienced for most of the past 600 million years. Since life on Earth has thrived during periods where CO<sub>2</sub> has been from 5-18 times higher than it is today, what verified and validated scientific evidence exists that forms the technical basis for concluding that costly GHG reporting measures are currently necessary?

**Response:** See the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1.

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**Commenter Name:** D.A. Huff

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0281.1

**Comment Excerpt Number:** 5

**Comment:** Since 95 percent of the greenhouse effect on Earth is caused by water vapor rather than the GHGs covered by the proposed rule, what is the scientific basis for concluding that the 5 percent of GHGs resulting from human activities (i.e., 0.25 percent of the total greenhouse effect) warrant the imposition of costly mandatory reporting of the GHGs that are generated by human activities? In the past several years, hundreds of respected scientists including noted climate scientists have begun to seriously question the scientific studies and computer models that have concluded that man-made GHGs are responsible for the relatively modest climate changes that have occurred in the last one hundred years. Since a vigorous debate is still going on in the global scientific community with respect to the actual causes of climate change and the ability of humans to actually change current climate trends, what is the basis for requiring costly reporting of GHGs before the science has been settled? An objective review of available literature on climate science cannot avoid the conclusion that the science of predicting future changes in climate suffers from a gross lack of representative data and technical understanding of the highly complex planetary processes that drive local and global climate trends and changes. Because of this fact, climate science should be regarded as a scientific discipline that is at a primitive developmental stage which lacks the level of knowledge, data, and computing power that is needed to create reliable predictive climate models. In light of this fact, what independent scientific studies have been done that conclude that climate science and models are sufficiently mature and robust to drive proposed regulatory actions that will cost the American people billions of dollars to implement? If such studies do not exist, what are the technical and economic bases for proceeding with the proposed mandatory reporting of GHGs in the absence of such studies? Since no reputable climate predictions indicate that response to recent climate trends necessitates any urgent action, the current rush to impose regulatory requirements on GHGs runs contrary to the common sense approach of allowing more time to better understand the science behind climate change before requiring costly measures to report and control them. Before committing large quantities of public money to such endeavors, the American public deserves reasonable assurances that the associated expenditures are in the public interest and that they are the best use of the public funds that will be needed to implement them. Where are the independent studies that provide the American people with such assurances? If they do not exist, what is the rationale that supports the need for urgent action with respect to reporting man-made GHGs? Unless there are strong technical reasons for imposing new reporting requirements right now rather than waiting until climate science is better understood, the proposed GHG reporting requirements should be shelved until more data and scientific study has been done to verify the need for them.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the

comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** Anonymous

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0272

**Comment Excerpt Number:** 1

**Comment:** The proposed rulemaking is unfounded on scientific facts and is dangerous policy.

**Response:** See the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1.

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**Commenter Name:** L. Frazer

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0323

**Comment Excerpt Number:** 2

**Comment:** Given the diverse opinions within the scientific community, before any costs are incurred that have negative economic impact, there should be established creditable scientific evidence that the GHGs resulting from man's industrialization activities in fact have a controlling causal effect on the earth's climate. Do man a favor, do not be stampeded by "Chicken Little", invest in real endeavors not falsehoods.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** G. D. Roland

**Commenter Affiliation:** none

**Document Control Number:** EPA-HQ-OAR-2008-0508-0708.1

**Comment Excerpt Number:** 1

**Comment:** As a concerned citizen I am opposed to the proposed regulations referenced above. There is no scientific proof cited in your text which justifies the gathering of information and placing additional burdens on the suppliers and manufacturers which will be affected by these proposed regulations. On the contrary, the lost jobs, costs in taxes and compliance programs are not only unnecessary but will impact the economy both immediately and by trickling down to the consumer, ultimately hitting the mid and low income classes the hardest. The first section of your preamble includes background information which the writers admit that even though the data collection will be required, it will not replace the data collection system already in place (page 16455). What an absolute waste of time, energy and resources by all, including EPA!

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1. On page 16455 of the preamble for the proposed rule (74 FR 16488,

April 10, 2009), we stated that the Mandatory Reporting Rule would not replace the Inventory of U.S. GHG Emissions and Sinks (Inventory). Please see Section I.D. of the preamble for the discussion of the relationship between this reporting rule and the US Inventory.

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**Commenter Name:** Anonymous

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0249

**Comment Excerpt Number:** 1

**Comment:** This move worries me because this is a back door way of getting cap and trade through without any representation of the people. This a horrible move in an unstable, fluctuating economy. This will cost the American family thousands of dollars a year. Why do you people in the EPA think you have the right to push through a politically motivated mandate that could literally break whatever economy we have left. This wrong, and frankly, this is happening in an extremely un-American way. Something this big and far-reaching should go through the American political process.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1. Finally, please note that this rule requires only reporting of GHG emissions and does not establish a cap and trade program or impose any limitations on the amount of GHG a facility can emit.

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**Commenter Name:** Pat Carlson

**Commenter Affiliation:** Eagle Forum

**Document Control Number:** EPA-HQ-OAR-2008-0508-0254

**Comment Excerpt Number:** 1

**Comment:** All of these new rules are based on the theory that human activity causes global warming. Human activity consist of only 3% of all CO<sub>2</sub> in atmosphere, There is no worldwide scientific consensus of scientists who agree with the IPCC report (see attachment). 31,478 American scientists (9,000 with PhD's) have signed a petition stating "There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing or will, in the foreseeable future, cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate." The Earth has not warmed in the last 10 years and since 2001, CO<sub>2</sub> levels have increased in the atmosphere with no temperature rise. Only God controls the weather. These new rules will cost every American household and will change our lifestyles forever. It probably will destroy the whole of our economy. Please use common sense and do not go forward with these rules. They are bad for America and Americans. [The commenter provided two attachments. In the first attachment, Mr. Carlson summarizes the discussion on "Global Warming: Was it Ever Really a Crisis?" held at the Second Heartland International Conference, in New York (March 2009). The second attachment is a summary prepared by Mr. Carlson of the UNFCCC meeting in Bonn (April 2009).]

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the

comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** G. H. Holliday

**Commenter Affiliation:** Holliday Environmental Services, Inc.

**Document Control Number:** EPA-HQ-OAR-2008-0508-0170.1

**Comment Excerpt Number:** 1

**Comment:** EPA demonstrated, in the proposed CO<sub>2</sub> sequestration rule (25 July 2008 at 73 FR 43492-43541), there is no physical evidence to support the contention that increasing concentrations of greenhouse gases cause climate change warming. In support of the July proposed rule, EPA relied only upon the IPCC computer climate simulation program. EPA and Congress are or should be aware from Congressional hearings presentations by Drs. Lindzen, 2 May 2001; Wegman, 19 July 2006 and Christy, 25 February 2009, that CO<sub>2</sub> will not cause significant climate change. Also, EPA knows or should know that the IPCC program does not fully model cloud moisture. Thus, calculation results are questionable. Clouds are very complex, because different parts of a cloud can be water vapor and ice crystals at the same time. No one can predict accurately the percentage of water vapor and ice crystals present in a cloud. Relying on the IPCC or any other computer generated weather prediction for technical support for promulgating potentially economically devastating rules is not scientifically justified. EPA appears to selectively provide data to support the “Chicken Little” concept that the “sky is falling.” The public has the right to expect EPA to be a science oriented Agency. On the contrary, EPA only provides data and discussion issues supporting the proposed rule. There is no transparency or objectivity in EPA discussions regarding their rules. EPA considers their position as the only possible position. Further, EPA is showing signs of dishonesty, because of the excessive cost and social injustice caused by their rules. Is EPA providing an honest and unbiased evaluation in this GHG proposed rule? My reading of the proposed rule suggests EPA is withholding facts!

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1. The proposed UIC rulemaking does not state or imply that “there is no physical evidence to support the contention that increasing concentrations of greenhouse gases cause climate change warming.” To the contrary, it refers to the peer-reviewed scientific literature that demonstrates the seriousness of climate change. Further, all EPA rulemakings are subject to a transparent process of notice and comment, which has been robust for this and other rules.

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**Commenter Name:** Daniel J. Mathieu

**Commenter Affiliation:** Muth Company, LLC

**Document Control Number:** EPA-HQ-OAR-2008-0508-0210.1

**Comment Excerpt Number:** 1

**Comment:** I respectfully oppose your GHG reporting proposition. I’m sure your wish is to do right. However, knowing how difficult it is to understand even simple systems like electronics, I firmly believe that accurately modeling our entire climate system is not currently feasible. Simply watching a local weather forecast prove inaccurate or watching the Martian ice cap

shrink in sync with ours, should be evidence enough that we have a ways to go. One might argue that we can't afford to wait, but that's like putting all men on Chemotherapy just because 1 in 3 are destined for prostate cancer. No one would force such an absurd, unnecessary suffering on the 2 healthy men. Taking the medical analogy further, I suggest adopting the doctor's motto: "Above all, do no harm". No one can say with certainty that climate change will do harm. Adopting GHG reporting rules will definitely do harm, to our economy, to our national security, and to those who loose their jobs when businesses close rather than comply. I urge you to wait until the models have been irrefutably proved valid and until the repercussions of those models findings can be fully evaluated before action is taken.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** Anonymous

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0209

**Comment Excerpt Number:** 1

**Comment:** Until it can be proven without a shadow of a doubt that these greenhouse gases cause global warming, these regulations need to be stopped. The EPA has become the scapegoat to make these rules to regulate knowing that the majority of Americans do not believe in global warming and that legislation (Cap & Trade) would never be passed. These regulations will be oppressive and costly to industries and individuals. In the end, the government will levy taxes that I can't even imagine and ultimately make the low and middle taxpayers poorer. Moreover, I do not want a government agency regulating each breath needed for me to live.

**Response:** See the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1. Note that this rule requires only reporting of GHG emissions and does not establish a cap and trade program or impose any limitations on the amount of GHG a facility (or any other entity) can emit.

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**Commenter Name:** C. Harman

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0172

**Comment Excerpt Number:** 1

**Comment:** I am against this rule. I believe it is another waste of my money.

**Response:** See the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** Anonymous public comment

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0182

**Comment Excerpt Number:** 2

**Comment:** The United States, is currently assigned responsibility for about 4% of all planetary greenhouse gases. The rest originates in the third world, Europe, China, and India, where no controls or measurements are in place. The amount produced by U.S. Industrial and vehicular sources, the subject of this rule, is 20% of the total U.S. amount (4%), or a total of 0.8% of earth's greenhouse gas emissions on a daily or annualized basis. During the 20th Century, 90% of all greenhouse gases have been ejected from the random eruptions of volcanoes. There is no evidence that the costly elimination of the industrial and vehicular emissions of U.S. sources, would have any effect on the planetary gases continuing to be expelled. In fact, the growth, on an annual basis, of non U.S. greenhouse gas emissions worldwide, exceeds the entire U.S. total, of all industrial, transportation and agribusiness sources. No amount of measurement, reporting, or regulation, limited to U.S. sources, will reduce the annual planetary greenhouse gas production and emissions.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** Anonymous

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0213

**Comment Excerpt Number:** 2

**Comment:** Requiring that all sources of greenhouse gas be identified is the first step to the eventual regulation of American industry by the EPA. If you get this authority, you'll put American industries out of business just like you did to thousands of old gas stations over underground storage tanks.

**Response:** See the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1. Note that this rule requires only reporting of GHG emissions and does not establish a cap and trade program or impose any limitations on the amount of GHG a facility can emit.

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**Commenter Name:** G. H. Holliday

**Commenter Affiliation:** Holliday Environmental Services, Inc.

**Document Control Number:** EPA-HQ-OAR-2008-0508-0170.1

**Comment Excerpt Number:** 5

**Comment:** EPA knows or should know IPCC reports have turned from presentation of science into a politically supported discussion of Climate Change dogma, devoid of science. EPA appears to be participating in continuing this cruel climate hoax, pushed by people who want power and money. Without physical evidence of greenhouse gases on global climate temperature increase, there is no need of GHG Inventorying. The current physical evidence [see DCN:EPA-HQ-OAR-2008-0508-0170.1 for graph showing monthly temperature data versus CO<sub>2</sub> emissions from Mauna Loa, HI], which combines measurement from two world recognized laboratories is ignored by IPCC and governmental Agencies, demonstrates that for the last seven years the global atmospheric temperature has decreased while the CO<sub>2</sub> has increased. Seven years of data is a short time, but it represents more physical evidence of cooling than IPCC, EPA or the U.S. Congress has presented demonstration global warming [see submittal for figure

provided by commenter showing Earth's Averaged temperature decrease since 2002 as measured by satellite and interrupted Hedy Laboratory (GB), and University of Alabama, Huntsville. Assuming EPA desires to demonstrate to U.S. citizens even a modicum of scientific ethics, EPA must forth-rightly discuss the scientific and physical evidence that reducing greenhouse gases emissions will or will not significantly modify current climate, since, as shown above by the Figure, the current observed temperatures decrease is occurring, while CO<sub>2</sub> concentrations increase. First, EPA needs to go back to Congress with a Statement of Fact, to the affect that, the premise used by Congress in developing the inventory request is scientifically not sound and should be withdrawn. If Congress refuses to withdraw the greenhouse inventory requirement, EPA must withdraw the current proposed rule, resubmit the proposed rule modified to include factual information regarding the scientific data supporting the lack of need for the inventory, eliminate from the proposed all greenhouse gases other than CO<sub>2</sub>, and raise the reporting limit to at least twice the current proposed limit. Once the inventory is complete, promulgate a greenhouse gas rule exempting all greenhouse gases from future inventorying and emissions control.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1. For additional information on the selection of GHGs and the 25,000 metric ton CO<sub>2</sub>e threshold, see volume 2 of this document and the preamble for the responses on selection of GHGs to report and selection of the threshold.

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**Commenter Name:** R. Young

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0203

**Comment Excerpt Number:** 1

**Comment:** I am extremely concerned and opposed to this new regulation. I use the following comments as a basis for my opposition: 1) CO<sub>2</sub> and methane are a natural trace gases that represent .04% (rounded up) and .00017%, respectively (references: many internet sources showing trace gas status). These trace gases are lagging indicators of overall atmospheric conditions. 2) Current IPCC computer modeling simulation software has completely failed to predict the latest global cooling events, therefore these computer models are deeply flawed. These models use various so-called green house gases as part of the predictive modeling software that is largely still experimental software design exercise. The following document is a strong proof the current modeling methods are deeply flawed, [http://wcrp.wmo.int/documents/WCRP\\_WorldModellingSummit\\_Jan2009.pdf](http://wcrp.wmo.int/documents/WCRP_WorldModellingSummit_Jan2009.pdf). This paper calls for an international effort to dramatically improve software computational systems that include needed weather feedback mechanisms to better predict future climate trends that are impossible with current computational capabilities. 4) There are no scientifically scaled experiments that have detailed the actual measured impact of larger concentrations of either CO<sub>2</sub> or methane. Example: no one has yet filled a giant room, say NASA AMES wind tunnels, with atmosphere then scientifically measured the impact as the trace gas concentrations have increased or decreased. 5) CO<sub>2</sub> safety concentrations have been well documented by several sources as far back as 1918 (reference: <http://www.pubmedcentral.nih.gov/picrender.fcgi?artid=1362235&blobtype=pdf>) and other recent sources including the Minnesota Department of Health (reference: <http://www.health.state.mn.us/divs/eh/indoorair/CO2/carbondioxide.pdf>) and a simple summary of CO<sub>2</sub> poisoning at <http://www.inspectny.com/hazmat/CO2gashaz.htm>.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1.

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**Commenter Name:** M. Gordon

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0167

**Comment Excerpt Number:** 1

**Comment:** I oppose any effort to require the mandatory reporting of greenhouse gases. The entire idea of global warming/climate change is a hoax. The purpose behind this policy is to further increase the powers of the federal government in this area. The US Constitution does not grant Congress, or the administrative state, the powers to regulate this area. Further, the only purpose behind this policy is to make the American people poorer and to provide new benefits to the political class. For these reasons, I strongly oppose the mandatory reporting of Greenhouse Gases. Global warming/climate change is a hoax.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** J. Coon

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0154

**Comment Excerpt Number:** 1

**Comment:** I strongly urge the EPA to abandon attempts to implement this rule. There is no evidence that CO<sub>2</sub> released into the atmosphere by industry is having any negative effect. While the opposite is true beyond any doubt, restricting the release of CO<sub>2</sub> by industry limits our productivity, unnecessarily wastes resources, burdens the population with extra costs, and serves no practical purpose. The popular opinion of CO<sub>2</sub>'s relationship with Global Warming is backward, CO<sub>2</sub> does not cause Global Warming, CO<sub>2</sub> is the byproduct of a warmer planet. Regulating CO<sub>2</sub> in an attempt to influence Global Warming is nothing more than the tail wagging the dog. Please don't give in to the simplistic notion that atmospheric CO<sub>2</sub> concentrations and Global temperature have a direct cause-and-effect relationship. If it were that simple it would have been reproduced in thousands of high school science classrooms by now. Even the multi-billion dollar climate models can't explain why the Earth stopped warming 10 years ago, despite the output of CO<sub>2</sub> continuing to climb. This proposed rule plays into junk science, is a waste of my tax dollars, and would unnecessarily burden our country's industry at a time when we need to be focused on economic recovery, not new rules to make us even less competitive in the Global Marketplace.

**Response:** The rule requires only reporting of GHG emissions and does not establish a cap and trade program, impose taxes on emissions, or limit the amount of GHG a facility can emit. For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment

concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** R. E Michaels

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0201

**Comment Excerpt Number:** 1

**Comment:** How stupid can you be to try to regulate one of the gasses required for ALL life on Earth!

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1.

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**Commenter Name:** R. Young

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0202

**Comment Excerpt Number:** 1

**Comment:** I am a private citizen who has worked in many industries within the USA including: automotive tooling manufacturing, consumer products tooling manufacturing, aerospace and defense, telecommunications, computer programming, and project management. I say with great confidence this broad sweeping proposal is a major mistake for American industry and commerce. This type of major unfunded mandate of regulations is far beyond the scope of the EPA and should rightfully be thoroughly discussed, line-by-line, within the halls of national and state congresses. This regulation will burden industry with crushing new costs that only serve to export more industrial knowledge to other countries where this type of regulation simply does not exist. I'm sure agencies of competing countries would love for the USA to install this type of burden on our economy; they would immediately enjoy the benefit of economic growth as we export more products and industries to other nations. My simple analysis --> STOP, do NOT do this regulation.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** A. Williford

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0194

**Comment Excerpt Number:** 1

**Comment:** So, the EPA is now going to regulate CO<sub>2</sub>, since Congress doesn't have the guts to do it. That's just lovely. I have a question; since human beings exhale carbon dioxide, doesn't that mean that the EPA will have virtually limitless boundaries for exercising control over us? Anyone care to bet on how long it will be before we have a "one child" policy like China, or at least some similar restriction on the number of children we are "allowed" to have? After all,

those babies will be emitting CO<sub>2</sub> with every breath they take, not to mention the size of each new baby's so called "carbon footprint" over the course of their lives. Allowing the EPA or any other government agency to regulate CO<sub>2</sub> will give them a level of control over our lives that is nothing short of Orwellian. I could not possibly be more opposed to this madness.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1. Nothing in this rule imposes any information requirement related to respiration and there is absolutely no foundation for the concerns expressed regarding family size. The focus throughout the rule is fossil fuel suppliers and industrial gas suppliers and the largest direct greenhouse gas emitters and manufacturers of heavy-duty and off-road vehicles and engines.

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**Commenter Name:** Anonymous public comment

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0195

**Comment Excerpt Number:** 1

**Comment:** We are, but a speck on this planet. And we do not change the temperature of the Earth. We do not need, or, can we afford, your costly plan, to raise utility rates, in the least.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** S. Parker

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0162

**Comment Excerpt Number:** 1

**Comment:** I believe it is time for the EPA to do its job of protecting the public, and to stop trying to be "Politically Correct" and continuing to implement and enforce regulations that follow a Political Agenda and continues to defy common sense and good science! Al Gore's studies are bad science, as shown by many sources. CO<sub>2</sub> and the "greenhouse effect" are little more than a myth at this point and time, defying logic and scientific facts. One cannot set policies that are based upon statistics, defy logic, and bend facts. Unless, I guess, you are the EPA! Please take another look at this. Please examine ALL of the facts. Implementing these regulations will not only NOT be helpful to the environment, but they will create tremendous damage to our economy, costing us billions of dollars and millions of jobs. The so-called "Green" Industry will benefit a select few investors on the "inside track" for this policy, but will exact punishment on our already struggling industrial base.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** S. Banks

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0197

**Comment Excerpt Number:** 1

**Comment:** I too am against this rule. The EPA should not be given power over congress to make regulations; especially when it's regulation based on a bunch of phony science. I read articles about this rule, and EPA Chair Lisa Jackson didn't give one ounce of scientific data, other than a consensus of uncredited "government scientists".

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1.

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**Commenter Name:** Anonymous public comment

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0187

**Comment Excerpt Number:** 1

**Comment:** I am against this ruling and it's findings. Man-made global warming is a myth, it is merely mother earth going thru her cycles and it is not man-made and you are just out of touch if you think man could do anything at all to change her cycles.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1.

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**Commenter Name:** D. Yvars

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0144

**Comment Excerpt Number:** 1

**Comment:** What is being proposed in the name of "saving the planet" is slow, deliberate, deceptive indoctrination that will forever change the essence of what this Country was founded on ... liberty. Carbon dioxide is not a pollutant...is an essential compound among many that has engineered this planet for life. What you are proposing is a step among many that will dictate all human activity in the name of science. It is not science. It is the power of the government to tax and control the entire economy of this Country...Communism by another name...the means are different...the ends are the same. American would never give up their freedom without the most deceptive form of propaganda. In the country that prides itself on allowing all voices to be heard, your Agency has systematically denied debate...marginalized scientists who dare to disagree with your conclusions...I just hope that when the ramifications of this totalitarian power grab on the economy and the citizens of this "last best hope of mankind", Americans will not allow it.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0615, excerpt 1 above. Note that this rule requires only reporting of GHG emissions and does not establish a cap and trade program or impose any limitations on the amount of GHG a facility can emit.

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**Commenter Name:** C. Wilson

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0148

**Comment Excerpt Number:** 1

**Comment:** I wish to offer my voice in opposition to the proposed GHG reporting rule. This will add considerable expense without any substantive identifiable benefit to the environment. This environmental bean- counting assumes global warming as proven and undisputable fact. There are a significant number of scientists and environmental experts who do not agree with the pseudo-scientists and politicians who relentlessly promote global warming as fact rather than opinion. The science is anything but conclusive on this matter and certainly not certain enough for extreme measures such as this. Please resume reasonable environmental protection measures and focus and please abandon these foolish and expensive earth micro-managing exercises in wasting money.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** K. Wright

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0147

**Comment Excerpt Number:** 1

**Comment:** My research into the question of Climate on Planet Earth has discovered that the largest "greenhouse gas" in the atmosphere is WATER VAPOR. 95% of greenhouse gas is water vapor. This finding is not surprising given that 70% of the surface of Earth is liquid WATER. Human activity contributes insignificant amounts of water vapor, relative to the size of the atmosphere, but considerably more water vapor than other compounds such as carbon dioxide, or methane, which you are seeking to regulate. As a result of this fact, your rules about the other man-produced gases are in error, and will result in great amounts of economic damage to our economy, based upon your false assumptions.

**Response:** For the response to the comment on why water vapor is excluded from the rule, see Volume 2 (Selection of Reporting Thresholds, Greenhouse Gases, and De Minimis Provisions) of this document. For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** T. W. Donze

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0160

**Comment Excerpt Number:** 1

**Comment:** The Subject proposed rule is unnecessary and a waste of time and money. CO<sub>2</sub> is NOT a pollutant. It is necessary for plant life. It is expelled by humans every time we breathe. The temperature effect of CO<sub>2</sub> declines hyperbolically with increasing concentrations. Fully 95-98% of temperature effects have already occurred below levels of 380 ppm. We are already above that now. Please take this into consideration when deciding on any regulations.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** N. Seferos

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0156

**Comment Excerpt Number:** 1

**Comment:** I understand that these companies must report their greenhouse gas emissions if they're over a certain metric ton but what point does this have? What effect does this have? Do the companies over x-amount of metric tons get shut down or put on probation or something else? This really sounds like extra work for the company and if there is no known consequence what is the point?

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1.

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**Commenter Name:** Anonymous public comment

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0186

**Comment Excerpt Number:** 1

**Comment:** The EPA proposed rule concerning greenhouse gases quotes the United Nations IPCC report and uses the words unequivocal and very likely when discussing the conclusions of this report. The rule makes no mention of the extensive peer reviewed scientific research that disputes the observations, results, methodology, and models used by the IPCC. It also makes no mention that many of the scientists responsible for the study have since stated that they were misquoted and also now reject the conclusions. The debate over the very existence of global warming, ne climate change, has never publically taken place among scientists but instead the public and Congress have been subverted by the courts, the more radical environmental groups, and government beauracracy. Before debating how to cure a disease you must first be sure if there is a disease. Longitudinal studies of insufficient duration and computer models are no substitute for accurate data. Garbage in results in garbage out. Scientific studies consist of a literature review that is representative of all studies (not just those of a preformed opinion), a null hypothesis, methods, results, discussion, and conclusions. There is no such thing as a consensus. Conclusions are in probabilities. As with pharmaceutical research, the funding for all these studies, both those that support global warming and those that reject it, must be revealed. The choices being given that either the EPA must regulate these gases or the Congress must pass legislation that does so through taxes doesn't consider the option that Congress can pass legislation that prevents the EPA from regulating these gases, since the Supreme Court ruled that

they can but this doesn't prevent Congress from limiting the scope of the EPA. This probably won't happen because of the make-up of Congress but it is truly a shame that good science has been side-stepped because of a political agenda.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1.

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**Commenter Name:** J. T. Smith

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0149

**Comment Excerpt Number:** 1

**Comment:** I am writing this email to register my concerns regarding this proposed regulation. I do not believe that this regulation is in our nation's best interest. I believe that enacting this regulation will severely damage our national economy as it will result in a new, excessive, tax on everything that is produced or consumed. This tax will apply to everyone regardless of economic status and will destroy jobs and cause the poorest to suffer.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0154, excerpt 1 above.

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**Commenter Name:** T. Coffelt

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0184

**Comment Excerpt Number:** 1

**Comment:** I am opposed to the EPA both defining and regulating Carbon Dioxide (a naturally occurring gas as you well know) as a contributor to "Global Warming". Undoubtedly it's occurrence in higher concentrations has been man made. The problem I have with you "regulating" it is that you have gone beyond the scope of your jurisdiction in "monitoring" Carbon Dioxide to "determining that carbon dioxide emissions directly impact global warming".

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. The rule requires only reporting of GHG emissions and does not establish any limits on GHG emissions.

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**Commenter Name:** Anonymous

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0206

**Comment Excerpt Number:** 2

**Comment:** It would be catastrophic to add unbearable, useless, economic burdens to our society in the name of unproven science. Please remember that there is no 'consensus' in science, there is either truth or the truth to be revealed. The truth of Anthropogenic Global Climate Change is not settled, nor should we take drastic measures to reverse something that we may have no control over regardless.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** N. W. Botting

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0169

**Comment Excerpt Number:** 2

**Comment:** For all the reasons in the attached discussion [See DCN: EPA-HQ-OAR-2008-0508-0169.1 for attachment] and the many science based, peer reviewed articles and the books cited therein, CO<sub>2</sub> should be dropped from the EPA regulations regarding reporting and regulation of GHG. The EPA needs to take a fresh look at the true science on the subject and not be lead by now outdated and unfounded assumptions and conjecture.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1.

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**Commenter Name:** H. M. Smith

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0183

**Comment Excerpt Number:** 2

**Comment:** Your actions are motivated totally by political ambition. Please revoke this proposed regulation in the best interests of the United States of America.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1.

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**Commenter Name:** H. D. Cochran

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0153

**Comment Excerpt Number:** 2

**Comment:** The proposed action, when examined in light of observed scientific facts (not theories or model predictions or empirical correlations), is clearly seen to be a solely political act. It has no basis in the US constitution, in science, or in law. Fashionable opinion is no basis for legitimate governmental regulation. The EPA is required by law to base its actions on sound science.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1.

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**Commenter Name:** Chris Greissing

**Commenter Affiliation:** Industrial Minerals Association - North America (IMA-NA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0705.1

**Comment Excerpt Number:** 1

**Comment:** We do not believe that a mandatory reporting rule for greenhouse gases (GHGs) is necessary at this time, and believe that the Environmental Protection Agency (EPA) should refrain from moving ahead with any proposed regulation that would attempt to impose a mandatory reporting requirement for GHGs, as the requirement to do so would be overly burdensome on the impacted industries with little, if any, benefit resulting from the reporting.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the economic impact of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** Thomas W. Easterly

**Commenter Affiliation:** Indiana Department of Environmental Management (IDEM)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0525.1

**Comment Excerpt Number:** 6

**Comment:** Indiana acknowledges that the proposed reporting rule would help to improve the development of future national inventories for particular source categories or sectors by advancing the understanding of emission processes and monitoring methodologies. However, Indiana believes that U.S. EPA must establish a clear link between climate change and anthropogenic GHG emissions before promulgating such costly and potentially damaging measures to the U.S. economy.

**Response:** For the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1. See also Volume 9 (Legal Issues) of this document regarding EPA's statutory authority to issue this rule at this time.

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**Commenter Name:** Kenneth Klippen

**Commenter Affiliation:** Sparboe Farms

**Document Control Number:** EPA-HQ-OAR-2008-0508-0327

**Comment Excerpt Number:** 1

**Comment:** EPA is requiring the reporting of greenhouse gas emissions (GHG) from all sectors of the economy including manure management systems in animal agriculture such as egg production. The proposed rule would require reporting specifically the annual emissions of carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), hydrofluorocarbons (HFCs), perfluorochemicals (PFCs), and other fluorinated gases (e.g., nitrogen trifluoride and hydrofluorinated ethers [HFEs]). Although the proposed rule is not requiring control of greenhouse gases, just the reporting from those sources above certain threshold levels, the data is a precursor to additional climate legislation and regulation acknowledged in this proposed regulation for "future climate policies (to) include research and development initiatives, economic incentives, new or expanded voluntary programs, adaptation

strategies, emission standards, a carbon tax, or a cap-and-trade program” (emphasis added). By definition a “tax” is the mandatory imposition of financial obligations imposed by a regulating authority. EPA has acknowledged in this proposed regulation the precursor for a tax. With the scope of industries affected by this proposed regulation and eventually additional regulatory initiatives, the increased cost of goods will be passed onto to consumers. The net effect of this “tax” will be added costs for consumers in this struggling economy. We propose market incentives for the increased costs to offset the necessity of increasing the costs of goods.

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1. The rule requires only reporting of GHG emissions and does not establish a cap and trade program, impose taxes on emissions, or limit the amount of GHG a facility can emit.

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**Commenter Name:** L. Frazer

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0323

**Comment Excerpt Number:** 4

**Comment:** The short and the long of it is that this ruling to add economic cost to monitoring all GHGs ad nauseam is money wasted that should be more profitably invested for mankind in a more productive direction.

**Response:** See the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** G. D. Roland

**Commenter Affiliation:** none

**Document Control Number:** EPA-HQ-OAR-2008-0508-0708.1

**Comment Excerpt Number:** 3

**Comment:** The fact that there are so many factors contributing to the weather on earth, including the intermittent energy bursts from the sun and volcanic eruptions (page 16454) makes the efforts to monitor GHG’s an incomplete cache of information. Couple that with the fact that not all industrialized nations are even in concurrence much less signors of the UNFCCC, let alone third world countries, means that any data set collected is incomplete and utterly useless to the global community. The data potentially gathered by these proposed regulations would be neither comprehensive nor accurate (page 16456). For any purpose! The overburdened of regulations on industry now reduces profits which in turn contributes to the poor state of the global economy. Realistically, why do we need more regulations with regard to something as uncertain as climate sensitivity? And, what’s next? Is EPA going to bombard the average ‘Joe Citizen’ with burdensome regulations to measure GHG’s coming from their cars, homes, yards, pets... how far does it go? When is enough, enough?

**Response:** For the reasons for developing the rule and the treatment of comments on climate science, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. For the response to the comment concerning the economic costs of the rule, see the response to EPA-HQ-OAR-2008-0508-0525.1, excerpt 1.

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**Commenter Name:** Anonymous

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0272

**Comment Excerpt Number:** 6

**Comment:** This proposal is fatally flawed at every level and must not be adopted.

**Response:** We disagree for the reasons set forth in the proposed and final rule packages.

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**Commenter Name:** Anonymous

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0313

**Comment Excerpt Number:** 1

**Comment:** Absolutely a stupid idea. Already paying more for gas and food as a result of the ill-conceived notion. Dumb, dumb, dumb. Go back to ethanol free gasoline!

**Response:** See the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1 for EPA's reasons for developing the rule.

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**Commenter Name:** Jerry Bohn

**Commenter Affiliation:** Pratt Feeders LLC

**Document Control Number:** EPA-HQ-OAR-2008-0508-0377

**Comment Excerpt Number:** 1

**Comment:** Pratt Feeders LLC strongly supports and joins in the comments of the National Cattlemen's Beef Association. We strongly oppose the regulation as written and hope the comments of NCBA will be considered in the final regulation.

**Response:** See the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1 for EPA's reasons for developing the rule. For our responses to comments submitted by NCBA and other agricultural groups, please see the other volumes of this comment response document.

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**Commenter Name:** Mark Boos

**Commenter Affiliation:** Garden City Feed Yard L.L.C.

**Document Control Number:** EPA-HQ-OAR-2008-0508-0368.1

**Comment Excerpt Number:** 1

**Comment:** Garden City Feed Yard L.L.C. strongly supports and joins in the comments of the National Cattlemen's Beef Association. We strongly oppose the regulation as written and hope the comments of NCBA will be considered in the final regulation.

**Response:** See the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1 for EPA's reasons for developing the rule. For our responses to comments submitted by NCBA and other agricultural groups, please see the other volumes of this comment response document.

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**Commenter Name:** William Nicholas  
**Commenter Affiliation:** Prime Feeders LLC  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0372  
**Comment Excerpt Number:** 1

**Comment:** I am submitting this in full support of the NCBA position of opposition to the Proposed Rule of Mandatory Reporting of Greenhouse Gases.

**Response:** For the reasons for developing the rule, see the response to EPA-HQ-OAR-2008-0508-0615, excerpt 1. . For our responses to comments submitted by NCBA and other agricultural groups, please see the other volumes of this comment response document.

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## C. OTHER

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**Commenter Name:** Justin T. Schneider  
**Commenter Affiliation:** Indiana Farm Bureau, Inc.  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0583.1  
**Comment Excerpt Number:** 1

**Comment:** With all of the current discussion on greenhouse gases ("GHG") and the state and federal legislative action on the issue, it has become difficult for citizens to stay informed of what various proposals will require. It should be clear that this is a proposal to require reporting of greenhouse gases. It would not require control measures or result in the regulation of GHG. Any final rule based upon this proposal will need to be clear that this is solely a monitoring and reporting rule.

**Response:** The goal of the reporting program is to provide accurate, economy-wide data on GHG emissions to inform policy decisions and development of future regulatory programs. The final rule only requires the monitoring and reporting of annual emissions of the selected GHGs. It does not require control measures or impose other limits on GHG emissions. For further discussion of uses of this data, see Volume 9 (Legal Issues) of this document.

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Table 1

COMMENTS	AFFILIATE	DCN
C. Lish	Sierra Club	EPA-HQ-OAR-2008-0508-0358
See Docket EPA-HQ-OAR-2008-0508 for a memorandum listing all members of the Sierra Club who submitted comment letters identical to EPA-HQ-OAR-2008-0508-0358.		

Table 2

COMMENTS	AFFILIATE	DCN
Michel R. Benoit	Cement Kiln Recycling Coalition (CKRC)	EPA-HQ-OAR-2008-0508-0467
Andrew T. O'Hare	Portland Cement Association (PCA)	EPA-HQ-OAR-2008-0508-0509.1

Table 3

COMMENTS	AFFILIATE	DCN
Lorraine Krupa Gershman	American Chemistry Council, et al.	EPA-HQ-OAR-2008-0508-0477.1
Audrae Erickson	Corn Refiners Association	EPA-HQ-OAR-2008-0508-0519.1

Lawrence W. Kavanagh	American Iron and Steel Institute (AISI)	EPA-HQ-OAR-2008-0508-0695.1
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Table 4

<b>COMMENTS</b>	<b>AFFILIATE</b>	<b>DCN</b>
James Greenwood	Valero Energy Corporation	EPA-HQ-OAR-2008-0508-0571.1
Charles T. Drevna	National Petrochemical and Refiners Association	EPA-HQ-OAR-2008-0508-0433.1 EPA-HQ-OAR-2008-0508-0433.2

Table 5

<b>COMMENTS</b>	<b>AFFILIATE</b>	<b>DCN</b>
Johnny R. Dreyer	Gas Processors Association (GPA)	EPA-HQ-OAR-2008-0508-0412.1
William W. Grygar II	Anadarko Petroleum Corporation	EPA-HQ-OAR-2008-0508-0459.1

Table 6

<b>COMMENTS</b>	<b>AFFILIATE</b>	<b>DCN</b>
Craig Holt Segall	Sierra Club	EPA-HQ-OAR-2008-0508-0635.1
Melissa Thrailkill	Center for Biological Diversity	EPA-HQ-OAR-2008-0508-0430.1